



Ontario
Energy
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de l'énergie
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DECISION AND ORDER ON COST AWARDS

EB-2024-0134

ENBRIDGE GAS INC.

**Application for a Municipal Franchise Agreement with the County
of Lennox and Addington**

BEFORE: **David Sword**
 Presiding Commissioner

Michael Janigan
 Commissioner

Fred Cass
 Commissioner

April 10, 2025

OVERVIEW

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on April 5, 2024, under section 9 of the *Municipal Franchises Act*, for an order approving the renewal of its natural gas franchise with the County of Lennox and Addington based on the OEB's Model Franchise Agreement, and for an order declaring and directing that the assent of the municipal electors to the by-law approving the renewal is not necessary.

On July 22, 2024, The OEB issued Procedural Order No. 1, granting intervenor status and cost eligibility to the Concerned Residents of the County of Lennox and Addington (Concerned Residents).

On February 11, 2025, the OEB issued a Decision and Order, including details on the process for cost awards.

Costs Claimed by Concerned Residents

On February 25, 2025, Concerned Residents filed a cost claim.

On March 7, 2025, Enbridge Gas filed an objection to the cost claim filed by Concerned Residents, stating that it failed to meet the requirements as set out in the OEB's [Practice Direction on Cost Awards](#) and should therefore be denied.

Enbridge argued that Concerned Residents involvement did not contribute to a better understanding of the issues in the proceeding. Enbridge Gas asserted that Concerned Resident's participation was not focused on relevant and material issues, was unduly repetitive, and led to unnecessary delays (including preparation for an oral hearing that was cancelled after Concerned Residents withdrew its participation at the last minute).

Concerned Residents filed its reply submission to Enbridge Gas's objection on March 12, 2025. Concerned Residents asserted that it participated responsibly throughout the proceeding and complied with all OEB orders and making efforts to cooperate. Concerned Residents submitted that its participation was focused on material issues.

Concerned Residents acknowledged that some of its issues were out of scope but maintained that it was transparent about its intentions and sought clarification from the OEB early in the process. Concerned Residents submitted that raising new issues and perspectives, even if they do not ultimately prevail, should not disqualify it from being considered for cost awards.

Findings

The OEB has reviewed Concerned Resident's cost claim to ensure compliance with the OEB's [Practice Direction on Cost Awards](#).

The OEB has considered Enbridge Gas's submission regarding the intervenor's objection to the municipal franchise agreement renewal, which has already been granted approval by the relevant municipal authorities. Enbridge Gas's application aligns with the established practice of seeking such a decision following municipal approval.

The OEB also notes that the ambit of possible sustainable objections to approval as well as the evidence that can be allowed to support such objections were subjects that required a considerable amount of study by the OEB, aided by the submissions from the parties involved.

The filings and interim orders in this proceeding reflect the OEB's efforts to determine the issues that must be considered associated with the franchise renewal application.

While Concerned Residents withdrawal from the proceedings could have been timelier, the OEB is not satisfied that this is a reason to disallow costs. The withdrawal reflected a consideration of avoiding needless adjudication.

The OEB has no reason to question Concerned Residents representation and finds that the amount of the cost claims to be reasonable.

The OEB finds that Concerned Residents cost claims are reasonable and shall be reimbursed by Enbridge Gas.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Inc. shall immediately pay the following amount to Concerned Residents for its costs:

- Concerned Residents \$6488.46

DATED at Toronto April 10, 2025

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar