



Enbridge Gas Inc.

**Application for a Certificate of Public Convenience and
Necessity for the Township of Tay Valley**

**DECISION ON INTERVENTION OF CLIMATE NETWORK LANARK AND
PROCEDURAL ORDER NO.2
May 29, 2025**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 21, 2024, for an order under section 8 of the *Municipal Franchises Act* granting it a new certificate of public convenience and necessity (certificate) to construct works to supply natural gas in the Township of Tay Valley that would also cancel and supersede its existing certificate for the Township, which is in the name of the former Township of Bathurst.

A Notice of Hearing was issued on December 11, 2024. Interventions closed on January 9, 2025. The Township of Tay Valley applied for intervenor status.

The OEB issued Procedural Order No. 1 on February 10, 2025, approving the Township of Tay Valley as an intervenor and establishing dates respecting the filing of proposed evidence and submissions thereon, and interrogatories and responses thereto.

On February 11, 2025, a late intervention request was received by Environmental Defence. Enbridge Gas objected to the intervention.

In response to Procedural Order No. 1, the Township of Tay Valley stated that it wishes to submit evidentiary documents such as its Climate Action Plan, Climate Crisis Declaration, and Council resolutions that relate to its opposition to the gas grid expansion in the Township. In response, Enbridge Gas's view is that it is unclear how the Township of Tay Valley's policy positions are at all relevant to the OEB's review of an application for a certificate to replace an existing certificate and accurately reflect the Township of Tay Valley's borders and that is consistent with an existing franchise agreement with the Township of Tay Valley.

OEB staff submitted that the Township's proposed evidence may hold probative value for the OEB in making a determination on whether public convenience and necessity

appear to require Enbridge Gas to construct works in a broader area within the Township compared to its current certificate rights.

The OEB received communications from each of the applicants, the intervenor, the proposed intervenor and OEB staff following the issuance of Procedural Order No. 1 which, as a result, impacted the parties' abilities to comply with the dates set out therein.

Accordingly, by letter dated February 26, 2025, the OEB advised that "given the late intervention request and evidence request by Environmental Defence and the letters filed with the OEB by the Township of Valley and Enbridge Gas in relation thereto, the OEB is suspending the remaining procedural steps set out in Procedural Order No. 1." The letter stated that the OEB will establish the next steps in the proceeding in due course.

By decision dated March 20, 2025, the OEB denied Environmental Defence's intervention request. The OEB found that Environmental Defence had not met the onus of satisfying the OEB that it had a substantial interest in the determination of whether public convenience and necessity requires that a new certificate be granted to Enbridge Gas in respect of the Township of Tay Valley.

On April 9, 2025, Environmental Defence filed a motion¹ requesting that the OEB vary or overturn its decision to narrow the scope of the proceeding and deny intervenor status to Environmental Defence, submitting that the decision was based on errors of law and was procedurally unfair.

On April 11, 2025, the OEB received a further late intervention request by Climate Network Lanark. Climate Network Lanark stated that if approved as an intervenor, it would intend to file evidence to support its contention that expanding the geographic area in which Enbridge Gas has permission to construct gas works is not a necessity and is not in the public interest.

On April 17, 2025, Enbridge Gas filed a letter objecting to the intervention request of Climate Network Lanark, stating that Climate Network Lanark's request for intervenor status and issues it has raised are not appropriate for consideration in this proceeding. Enbridge Gas submits that Climate Network Lanark's intervention request is out of scope and untimely because the intervention deadline has passed, and Climate Network Lanark is attempting to broaden the scope of the hearing. Enbridge Gas also submits that Climate Network Lanark has not demonstrated substantial interest in the proceeding or that it has the authority to represent impacted residents or the municipal

EB-2025-0161, Notice of Motion, April 9, 2025

council. Enbridge Gas further submits that granting Climate Network Lanark intervenor status would lead to the risk of regulatory inefficiency because of delays, increased costs and complexity which are contrary to the objectives set out by the Ontario Energy Board and the Minister of Energy and Electrification.

On April 22, 2025, Climate Network Lanark filed a letter stating that it has an interest or policy perspective relevant for the OEB's mandate in the proceeding and that it has deep connections with both the County of Lanark and the Township of Tay Valley. Climate Network Lanark also stated that it seeks to address the question that the OEB is required to address under section 8 of the Municipal Franchises Act and that there is no basis for assertion that it is trying to expand the scope of the proceeding.

Climate Network Lanark further submits that the denial of its intervention request because it is late would be inconsistent with OEB practice which generally allows late intervention requests before procedural steps have been set out and that there is no indication that its participation will delay the steps that would be required.

On May 13, Environmental Defence filed a letter advising that its interests could be represented through the intervention of Climate Network Lanark, if Climate Network Lanark were approved as an intervenor in the proceeding and, that on that basis, it would withdraw its pending request for a motion to review its denial of intervenor status².

On May 14, 2025, Enbridge Gas filed a letter where it stated that it maintains its position that Climate Network Lanark's intervention request should be denied. Enbridge Gas submitted that Environmental Defence delivering a notice of review motion regarding the OEB's decision to deny Environmental Defence intervenor status is not a basis to allow Climate Network Lanark's request for intervenor status.

Findings

The OEB accepts Climate Network Lanark's intervention request given the presence of approximately 120 supporters of the Network in the Township of Tay Valley, as well as having identified a 'substantial interest' in the matters that will be considered in this proceeding as outlined in the affidavit of Susan Brandum, which was attached to the Elson Advocacy Letter to the OEB on behalf of Climate Network Lanark, dated April 22, 2025.

² EB-2025-0161, Environmental Defence Motion to Review Letter, April 13, 2025

In accepting this late intervention, the OEB notes that the steps outlined in Procedural Order No. 1 had already been suspended effective February 26, 2025, with the next steps established in this Procedural Order.

The OEB is considering a request by Enbridge Gas to align the existing CPCN with current municipal boundaries and is not conducting a generic hearing. As such, the OEB advises that broad issues affecting Ontario communities and natural gas customers – beyond the Township of Tay Valley – fall outside the scope of this proceeding.

It is therefore the expectation that any evidence Climate Network Lanark may seek to provide would focus on factors that are specific to Tay Valley Township and the OEB will consider any request by Climate Network Lanark to submit evidence on that basis.

Interrogatories

At this time, provision is being made for written interrogatories. In preparing their interrogatories, parties should refer to the Certificate of Public Convenience and Necessity section of the OEB's [Natural Gas Facilities Handbook](#). Parties should not engage in detailed exploration of items that do not appear to be material. Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

The OEB has set out dates for interrogatories on intervenor evidence, responses to the interrogatories, and written submissions below. The OEB is making a provision for the following related to this proceeding.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Township of Tay Valley shall file its written evidence with the OEB and serve it on all parties by **June 13, 2025**.
2. The Township of Tay Valley, the Climate Network Lanark and OEB staff shall request any relevant information and documentation from Enbridge Gas that is in addition to its filed evidence, by written interrogatories filed with the OEB and served on all parties by **June 27, 2025**.
3. Enbridge Gas, the Climate Network Lanark and OEB Staff shall request any relevant information and documentation from the Township of Tay Valley that is in addition to its filed evidence, by written interrogatories filed with the OEB and served on all parties by **June 27, 2025**.

4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and deliver those responses to all parties by **July 11, 2025**.
5. The Township of Tay Valley shall file with the OEB complete written responses to all interrogatories and deliver those responses to all parties by **July 11, 2025**.
6. The Township of Tay Valley, the Climate Network Lanark, OEB staff shall file their written submissions with the OEB and serve them on all parties by **July 25, 2025**.
7. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all parties by **August 8, 2025**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0342** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it to all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Natalya Plummer at Natalya.Plummer@oeb.ca and OEB Counsel, Richard Lanni at Richard.Lanni@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED in Toronto, **May 29, 2025**

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar