

Elson Advocacy

June 27, 2025

Ms. Nancy Marconi

Registrar

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

Re: Enbridge – Approval to Construct Gas Works in Tay Valley Township EB-2024-0342

Enclosed please find the interrogatories of Climate Network Lanark in the above matter.

Yours truly,



Kent Elson

cc: Parties in the above proceeding

EB-2024-0342
**Enbridge Gas Application for Expanded Approvals to Construct
Gas Works in Tay Valley**

Interrogatories of Climate Network Lanark

Interrogatory # CNL-1

Question(s):

- (a) Please provide a map showing (i) the area in which Enbridge currently has approval to construct gas works in Tay Valley Township and (ii) the expanded area in which Enbridge would be granted approval to construct gas works in Tay Valley Township pursuant to its application.
- (b) Please provide another version of the map from (a) showing (i) the current Enbridge gas pipelines and (ii) any planned Enbridge gas pipelines in or around those areas.
- (c) Please describe and provide a timeline regarding any pipelines that Enbridge anticipates constructing within the expanded area it is seeking approval to construct gas works in via this application.

Interrogatory # CNL-2

Question(s):

- (a) If Enbridge is not aware of any anticipated gas works that would be constructed in the expanded approval area within Tay Valley, how does Enbridge justify the approval to construct gas works in this area being a “necessity?”
- (b) Section 8 of the *Municipal Franchises Act (MFA)* states that approval to construct gas works “shall not be given unless public convenience and necessity appear to require that such approval be given.” This would appear to state that approval can only be provided if it is necessary. Please indicate clearly whether Enbridge agrees or disagrees. Please explain. It is important that the intervenors and the OEB understand what approval criteria Enbridge believes applies.

Interrogatory # CNL-3

Question(s):

- (a) Section 8 of the *MFA* states that approval to construct gas works “shall not be given unless public convenience and necessity appear to require that such approval be given.” Please explain what criteria must be met for “public convenience and necessity” to require approval and explain how the specific approvals sought in Tay Valley Township meet each of those criteria.

- (b) Multiple Courts of Appeal have held that: “the phrase ‘public convenience and necessity’ has generally been treated as synonymous with public interest.”¹ Does Enbridge agree, and if yes, what public interest factors are relevant in this case in Tay Valley Township?

Interrogatory # CNL-4

Question(s):

- (a) Page 34 of the Tay Valley Township Climate Action Plan states: “Natural gas is a particular concern as the climate crisis worsens. Where natural gas was once seen to be a good transition fuel between the most polluting of the fossil fuels – coal and oil – and renewable sources of energy, in recent years it has become clear that it is a particular contributor to climate change. Natural gas is primarily methane, and methane has a global heating effect that is more than 80 times that of carbon dioxide in the first 20 years after it is released.” Please provide a list of the assertions in this paragraph and indicate the ones that Enbridge agreed and disagrees with. For those it disagrees with, please provide what Enbridge believes is the necessary correction (e.g. for the global heating effect of gas).
- (b) With respect to Tay Valley Township’s concerns regarding the climate impacts of gas and its plan to “convert fossil fuel heating to electric” (Climate Action Plan, p. 34), please confirm:
- (i) The proportion of Ontario’s GHG emissions arising from the combustion of natural gas;
 - (ii) The tonnes of CO₂e from a m³ of gas combusted in Tay Valley Township, broken down by the combustion emissions and the upstream emissions; and
 - (iii) The expected physical lifetime and depreciation period for gas pipelines that would be built in Tay Valley Township (if this depends on the type of pipe, please provide the response for different types).
- (c) If Enbridge believes that Tay Valley Township’s Climate Action Plan is irrelevant to the test under s. 8 of the *MFA*, please justify that position with respect to the specific wording in that section.

Interrogatory # CNL-5

Question(s):

- (a) Please provide all regulatory documents that Enbridge relies on in support of this application. Please excerpt the sections of all such regulatory documents that Enbridge relies on.
- (b) Please provide all past OEB decisions that Enbridge relies on in support of this application. Please excerpt the sections of all such OEB decisions that Enbridge relies on.
- (c) Please confirm that, unlike with Municipal Franchise Agreements, there has never been a generic hearing to delineate the criteria that should be considered in approvals under s. 8 of the *MFA*. If such a generic hearing has occurred, please provide the outcome and excerpt all portions relevant to this proceeding.

¹ *Sunshine Transit Service a/o Sunshine Limousine Service v. The Taxicab*, 2014 MBCA 33 (CanLII), at para 41, <https://canlii.ca/t/g6b1h#par41>.

- (d) In its letter of June 12, 2025, Enbridge stated as follows: “In recent CPCN decisions, the OEB has noted that issuing new CPCNs that are geographically aligned with municipal borders is consistent with the intent of the OEB that the CPCN holders update service areas if boundaries of their existing CPCNs are affected by municipal amalgamations, annexations or name changes.” This paragraph refers to multiple decisions (i.e. plural). Please provide all such decisions.
- (e) Please confirm that OEB decisions are not binding on future commissioners adjudicating future applications.
- (f) Please confirm that *stare decisis* does not apply to OEB decisions.

Interrogatory # CNL-6

Question(s):

- (a) Does Enbridge believe that the municipality’s objection in this case is relevant to whether approval is required by “public convenience and necessity?”
- (b) Please provide all decisions where the OEB considered whether to impose a s. 8 approval sought by Enbridge or one of its predecessors against the will of the municipality in question.

Interrogatory # CNL-7

Question(s):

- (a) How much gas was combusted in Tay Valley Township over the past five years and how much is forecasted over the next five years? What are the GHG emissions arising therefrom (CO₂e)?

Interrogatory # CNL-8

Question(s):

- (a) The OEB Natural Gas Facilities Handbook states on page 14: “A certificate will define the specific area within a municipality where a utility is permitted to construct natural gas works. The OEB may issue a certificate that does not cover the entire geographic area of a municipality but is instead limited to a route along certain defined roads (also known as “on-from-to”) or an area defined by metes and bounds.” Could that approach be taken here such that a new certificate does not expand the area in which Enbridge has approval to construct gas works?
- (b) Please provide a copy of any certificates held by Enbridge under s. 8 of the *MFA* “that does not cover the entire geographic area of a municipality” (per p. 14 of the OEB Natural Gas Facilities Handbook). If there are a very large number, please provide the five most recent.

Interrogatory # CNL-9

Questions(s):

- (a) Is Enbridge planning to construct any pipelines in the area covered by the proposed Tay Valley Township *MFA* s. 8 certificate?
- (b) If yes:
 - i. Please provide a map showing the proposed new pipeline(s) and the location of potential new customers who may connect to that pipeline;
 - ii. Please indicate the number of customers that Enbridge expects to connect to that pipeline over the next 10 years; and
 - iii. Please indicate the number of residents or businesses that are located along that pipeline route.
- (c) Please indicate the number of customers that Enbridge expects to connect to any existing pipelines in Tay Valley Township over the next 10 years.
- (d) Please indicate the number of residents or businesses that are located along existing pipelines in Tay Valley Township that have not connected to the gas system but could connect due to their proximity to an existing pipeline.