

July 10, 2025

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Mr. Murray:

**Re: Enbridge Gas Inc.
Application for Approval of Franchise Agreement and New CPCN - City of Guelph
Ontario Energy Board File No. EB-2025-0058**

Enbridge Gas Inc. (Enbridge Gas) writes to file its objections to substantial portions of the evidentiary record filed by both the City of Guelph on June 11, 2025 and July 2, 2025 and eMERGE Guelph on July 2, 2025 on the basis that the evidence filed is out of scope and contrary to the express directions of the Ontario Energy Board (OEB) in Procedural Orders No. 1, 2 and 3 and/or beyond the mandate and jurisdiction of the OEB to consider.

Enbridge Gas requests that the OEB:

- a) confirm that the offending evidence, a list of which is set out in Appendix A, is out of scope of this proceeding and thus will be struck from the record and will not be further considered; and
- b) further confirm that the scope of this proceeding does not extend to consideration of:
 - i. generic issues regarding the terms and conditions of the Model Franchise Agreement;
 - ii. efforts to amend O. Reg. 548/06 that amount to speculative legislative changes; or
 - iii. matters beyond the OEB's jurisdiction.

Enbridge Gas respectfully requests the OEB to address these requests in a timely way, at least two business days in advance of the due date (currently set at July 16, 2025) for Enbridge Gas interrogatories to City of Guelph and eMERGE Guelph. This clarity will be important to ensure efficiency in respect of the remaining steps in the review of this application, including an efficient interrogatory process, to inform any responding evidence that Enbridge Gas may need to adduce, and to subsequently ensure that written closing submissions are properly directed to points that are in scope and relevant to this application.

Scope of Proceeding

The OEB clearly delineated and limited the scope of this proceeding in [Procedural Order No. 1](#):

*Both the City of Guelph and eMERGE Guelph are reminded that **this is not a generic hearing**. The scope of this proceeding will be focused on the OEB's consideration of Enbridge Gas's request for a new certificate for the City of Guelph, and Enbridge Gas's request for the renewal of its franchise agreement with the City based on the terms and*

conditions of the Model Franchise Agreement. This proceeding will consider the views of the City and local residents as to whether there are compelling reasons to deviate from the terms and conditions of the Model Franchise Agreement in this City. **Broad issues that may have implications for communities and natural gas consumers across Ontario, which are not specific to the City of Guelph, will not be within the scope of this proceeding.** The OEB is separately considering whether there is a need for a review of generic issues related to the Model Franchise Agreement, and if so, the scope and appropriate timing of any such review.

The OEB also confirmed and limited the scope of permissible intervenor evidence in [Procedural Order No. 2](#), and was specific in respect of various topics that are out of scope:

*The OEB accepts eMERGE Guelph's preferred approach to evidence preparation whereby there would be no research related cost apart from reasonable, incremental legal costs. **The OEB reminds eMERGE Guelph that this is not a generic hearing on the terms and conditions of the Model Franchise Agreement. Broad issues affecting Ontario communities and natural gas customers – beyond the City of Guelph – fall outside the scope of this proceeding.** As noted in Procedural Order No. 1: "The OEB is separately considering whether there is a need for a review of generic issues related to the Model Franchise Agreement, and if so, the scope and appropriate timing of any such review." In the current proceeding the OEB will consider whether there are compelling reasons for the City of Guelph to deviate from the Model Franchise Agreement's terms and conditions.*

The OEB will allow eMERGE Guelph to submit evidence, provided it focuses on factors unique to the City of Guelph and is relevant to determining appropriate franchise agreement terms. The expectation is that eMERGE Guelph's evidence would be in the following general areas as outlined in their letter of April 17, 2025:

- City of Guelph climate targets
- City of Guelph's Race to Zero climate pledge
- Community Energy Plan
- History of local climate advocacy
- Commitment for the Corporation of the City of Guelph to achieve 100% Renewable Energy by 2050
- City of Ottawa Letter and Report, Model Franchise Agreement Review, January 26, 2022
- "Jurisdictional Scan" (pages 10-11)
- City of Toronto Staff Report, Impact of Bill 165 & Gas Utility Use of Public Property in Toronto, May 13, 2024

The OEB would not find it helpful to consider evidence related to efforts to amend O. Reg. 548/06. The OEB agrees with Enbridge Gas that any legislative or regulatory changes under consideration at this time remain speculative and therefore fall outside the scope of this application.

In [Procedural Order No. 3](#), by way of response to the Intervenor's requests for extensions of time to file evidence, the OEB again reminded the parties of the limited scope of the within proceeding and scope of permissible evidence:

The OEB approves the extension request and reminds the intervenors to ensure their evidence is focused on matters specific to the City of Guelph that may warrant a

departure from the Model Franchise Agreement, not topics best suited for a possible generic process as described in PO1.

The OEB would not find it helpful, for example, to consider evidence related to speculative changes to legislation (Bill 219, No Free Ride for Fossil Fuels Act, 2024) or regulation (O 584/06 Fees and Charges under the Municipal Act).

Both the City of Guelph and eMERGE Guelph have disregarded the OEB's clear and repeated procedural directions, by filing voluminous evidence that is irrelevant to and out of scope of the review of this application, including related to speculative changes to legislation or regulation.

In addition to the above express orders and directions of the OEB, the Government of Ontario has recently made several significant legislative and policy changes which impact and clarify the framework which both municipalities and the OEB, as creatures of statute, are required to follow. For example, [Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025](#) (which received Royal Assent on June 5, 2025) introduced changes to the *Building Code Act* which limit a municipality's ability to impose green standards through either the *Municipal Act, 2001* or the *Planning Act* that might impact future development. By reinforcing the authority of the province in this regard, this also highlights (and is consistent with) the OEB's more narrow jurisdiction and mandate, namely to oversee the safe, reliable, and economic delivery of energy – not to regulate or dictate Ontarians' energy choices. The OEB does not have jurisdiction over municipal land-use planning, climate change policy, or political determinations about the use of natural gas. Proposed [Bill 40 - Protect Ontario by Securing Affordable Energy for Generations Act, 2025](#) further reduces the involvement of municipalities in the model franchise agreement process by removing entirely the requirement for elector approval of the terms.

These legislative changes were buttressed by the recent Government of Ontario's Integrated Energy Plan titled "[Energy for Generations](#)" which re-focuses the province's energy mandate on an "all-of-the above" approach to energy use. This Integrated Energy Plan specifically emphasizes the importance of customer choice and how natural gas will continue to be a cornerstone of the energy mix, including in order to ensure that Ontario remains an economic leader for years to come. Specifically, in Chapter 5 of the Integrated Energy Plan (that constitutes the Natural Gas Policy Statement), the government laid out the important role of natural gas to Ontario's energy future. This was accompanied by a [June 11, 2025 directive to the OEB](#) pursuant to Order in Council 802/2025 that, with respect to the government's objective of providing clarity on the future role of natural gas, the OEB shall:

Consider the government's Natural Gas Policy Statement to ensure the OEB appropriately considers the future role of natural gas in Ontario's economy. There is a need for an economically viable natural gas network – as the province builds a more diverse energy system – to attract industrial investment, to drive economic growth, to maintain customer choice and ensure overall energy system resiliency, reliability and affordability.

The OEB must take these express legislative and policy directives into account in its administration and adjudication of this proceeding, including in ensuring the proceeding, and the evidence that is filed in the proceeding, stays within its proper and relevant scope.

City of Guelph Evidence

The evidence identified in Appendix A to this letter is outside the proper scope of this proceeding and is contrary to the OEB's prior procedural directions. The OEB should therefore strike the Appendix A evidence submitted by the City of Guelph, and confirm that it will not be further considered on this application, on the following bases:

- i. it relates to speculative legislative changes to O. Reg. 548/06;
- ii. it is related to generic issues about the terms and conditions of the Model Franchise Agreement and is not unique to the City of Guelph (e.g., issues such as relocation cost sharing or fee structures apply to all municipalities in the province with existing franchise agreements¹); and/or
- iii. it relates to matters that are irrelevant to or outside the scope of the OEB's jurisdiction in this proceeding or generally (e.g., climate action plans and community survey/views in this regard).

With a view to ensuring regulatory efficiency, Enbridge Gas has also noted in Appendix A the City of Guelph evidence (which required the extension of time granted in Procedural Order No. 3) that is duplicative to what is already on the record.

In respect of the City of Guelph's evidence regarding its climate action plans, this evidence is irrelevant to the issues to be decided by the OEB -- the renewal of a franchise agreement and a CPCN update -- and is outside the scope of the OEB's mandate. The OEB has no mandate or jurisdiction to regulate customers' use of natural gas or deny customers the right to choose to use it. It is similarly outside the OEB's mandate to make determinations about or give effect to a local municipality's climate action plan, which may seek to limit customer choice. This would further be contrary to the clear direction of the province in the Integrated Energy Plan and is *ultra vires* the municipality in any event, as noted above.

eMERGE Guelph Evidence

Enbridge Gas has also identified in Appendix A the reasons, similar to the above, why the OEB should deny and strike from the record practically all of the evidence submitted by eMERGE Guelph.

Conclusion

Enbridge Gas reminds the OEB that this application is simply for purposes of renewing a specific, existing franchise agreement in the form of the OEB's model franchise agreement, and updating the applicable Certificate of Public Convenience and Necessity in order to continue to provide efficient and cost effective service to almost 50,000 natural gas customers within the City of Guelph. The above intervenors are improperly seeking to expand the scope of this proceeding and adduce irrelevant evidence on the record, contrary to the prior procedural directions. In doing so, they seek to advance an agenda which is outside the scope of the OEB's mandate and jurisdiction and is also contrary to the province's recent and clear directives.

As was noted by the Superior Court of Justice in the case of *Leamington (Municipality) v. Enbridge Gas Inc.*, 2024 ONSC 867 (CanLII), "the OEB exercises a public interest mandate,

¹ The OEB has adjudicated similar issues and found them to be generic. Please refer to the [Decision and Order dated March 30, 2023 in EB-2022-0201](#) and [Procedural Order No. 2 in EB-2024-0134](#) which subsequently resulted in [eMERGE Guelph withdrawing its intervention in EB-2024-0188](#) because its issues were out of scope.

which includes promoting a financially viable and efficient energy sector that provides the public with reliable energy services at a reasonable cost.” The focus of this proceeding must be consistent with that mandate and with the Government of Ontario’s Natural Gas Policy Statement.

For the above reasons, Enbridge Gas requests that the OEB reject and strike from the record the evidence listed in Appendix A. Regulatory efficiency is important to maintain on this application, and Enbridge Gas should not be required to submit interrogatories or otherwise respond to evidence that is out of scope. Maintaining efficiency is also consistent with ensuring natural gas ratepayers are well-served and not burdened with unreasonable costs.

Should you have any questions on this submission, please do not hesitate to contact me.

Yours truly,

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cc (email only):

Kent Elson, eMERGE Guelph Sustainability
Kate Siemiatycki, eMERGE Guelph Sustainability
Evan Ferrari, eMERGE Guelph Sustainability
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Matthew Irish, City of Guelph
Kip Philips, City of Guelph
Dylan McMahon, City of Guelph
Natalya Plummer, OEB

City of Guelph Evidence (July 2, 2025)

Exhibit 1-2 Affidavit of Kyle Gibson

- Paragraphs 7 and 8 are generic issues, not specific to the City of Guelph; remove from record
- Paragraphs 14 and 15 are generic issues, not specific to the City of Guelph; remove from record

Exhibit 1-2-1 Minutes of Committee of the Whole Meeting – November 5, 2024

- Unredacted version already submitted in Application at Schedule D1; remove this version of the exhibit from record

Exhibit 1-2-2 Staff Report of Committee of the Whole Meeting – November 5, 2024

- Unredacted version already submitted in Application at Schedule D2; remove this version of the exhibit from record

Exhibit 1-2-3 Minutes of Guelph City Council Meeting – November 26, 2024

- Unredacted version already submitted in Application at Schedule D3; remove this version of the exhibit from record

Exhibit 1-2-4 Copies of all correspondence between Enbridge and the City of Guelph from May 10, 2024 to January 31, 2025

- Unredacted version already submitted at Exhibit EGI-EMG-4, Attachments 1 and 2; remove this version of the exhibit from record

Exhibit 1-2-5 Costs of Relocations and Repairs of Enbridge Gas Lines

- Related to a generic issue of the terms and conditions of the Model Franchise Agreement; remove this exhibit from record

Exhibit 1-2-6 List of Abandoned Enbridge Gas Lines

- Related to a generic issue of the terms and conditions of the Model Franchise Agreement; remove this exhibit from record

Exhibit 1-2-7 Invoice for Repairs and Additional Work re Manitoba Street Reconstruction

- Related to a generic issue of the terms and conditions of the Model Franchise Agreement; remove this exhibit from record

Exhibit 1-2-8 Inspector Notes of removal of gas lines re Manitoba Street Reconstruction

- Related to a generic issue of the terms and conditions of the Model Franchise Agreement; remove this exhibit from record

Exhibit 1-3 Affidavit of Tijo Joseph

- Arguably this entire affidavit is irrelevant or out of scope for this proceeding. The municipality has no legal right or jurisdiction to restrict customer choice for energy needs. The City of Guelph may choose to restrict its use of natural gas for its facilities, but that is irrelevant to the application for the renewal of a municipal franchise agreement because the agreement effects all customers within the municipality. Remove this exhibit from record.

Exhibit 1-3-1 City of Guelph Community Energy Plan

- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record

- Exhibit 1-3-2 Minutes of Meeting of Guelph City Council – May 28, 2018
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-3 Minutes of Committee of the Whole Meeting – May 6, 2025
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-4 Guelph's Community Call to Climate Action
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-5 Minutes of Meeting of Guelph City Council – May 27, 2025
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-6 Minutes of Meeting of Guelph City Council – May 28, 2018
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-7 Staff Report of Committee of the Whole Meeting – May 6, 2019
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-8 Minutes of Meeting of Guelph City Council – May 27-28, 2019
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-9 Minutes of Committee of the Whole Meeting – December 6, 2021
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-10 Minutes of Meeting of Guelph City Council – December 20, 2021
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-11 Future Guelph: Strategic Plan 2024-2027
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-12 City of Guelph Indigenous Framework
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-3-13 City of Guelph Official Plan
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record

City of Guelph Evidence (June 11, 2025 and not duplicated in July 2, 2025 submission)

- Exhibit 1-4-1 A copy of Bill 219 - No Free Ride for Fossil Fuels Act, 2024
- Irrelevant to franchise agreement renewal; speculative changes to legislation; remove this exhibit from record
- Exhibit 1-5-1 Correspondence from Mike Schriener dated March 13, 2025 - Re: Intention to Reintroduce Bill 219
- Irrelevant to franchise agreement renewal; already on record of proceeding as letter of comment; speculative changes to legislation; remove this exhibit from record
- Exhibit 1-7-1 City of Guelph Climate Pledge
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit 1-8-1 Economic and Tourism Strategy 2022-2026
- Irrelevant to franchise agreement renewal; remove this exhibit from record
- Exhibit 1-8-4 Provincial Policy Statement 2024 (land use planning and development)
- Irrelevant to franchise agreement renewal; remove this exhibit from record

eMERGE Guelph Evidence (July 2, 2025)

- Exhibit 1 Affidavit of Evan Ferrari
- Paragraphs 3 through 9 are generic issues, not specific to the City of Guelph; remove from record
 - Paragraph 11 speaks to the restriction of customer choice which is ultra vires the powers of the municipality and therefore irrelevant; remove from record
 - Paragraph 14 is based on speculative changes to legislation the OEB clearly stated was out of scope; remove from record
 - Paragraph 17 through 23 are generic issues, not specific to the City of Guelph; remove from record
 - Paragraphs 34 and 35 are generic issues, not specific to the City of Guelph; remove from record
- Exhibit A Canadian Climate Institute “Heat Exchange” report (June 2024)
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit B Energy Futures Group report for Green Energy Coalition (May 2023)
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit C City of Toronto staff report - Impact of Bill 165 & Gas Utility Use of Public Property in Toronto (May 13, 2024)
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record
- Exhibit D City of Ottawa letter to Ministry of Energy re Support for Ottawa Energy Evolution Strategy (January 26, 2022)
- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record

Exhibit E City of Guelph 2019 community plan poll results

- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove this exhibit from record

Exhibit 2 Affidavit of Indigo Moran

- Arguably this entire affidavit is out of scope and irrelevant to this proceeding; remove from record

Exhibit A Court of Appeal of Ontario decision (October 2024)

- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove from record

Exhibit B Guelph Today news article (September 15, 2024)

- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove from record

Exhibit C City of Guelph's Community Call to Climate Action Backgrounder

- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove from record

Exhibit D City of Guelph's 2023 Environmental Sustainability Report

- Irrelevant to franchise agreement renewal and outside OEB jurisdiction; remove from record

Exhibit E Minutes of Guelph City Council Meeting – November 26, 2024

- Already submitted in Application at Schedule D3; remove from record

Exhibit 3 Affidavit of Robert Blakeney

- Paragraph 4 is based on speculative changes to legislation the OEB clearly stated was out of scope; remove from record.
- Paragraphs 7 through 9 are generic issues, not specific to the City of Guelph; remove from record.
- Paragraph 10 is in respect of ethical beliefs which is out of scope for this proceeding or any proceeding of the OEB; remove from record.