

EB-2025-0058
City of Guelph Responses to Interrogatories of Enbridge and OEB Staff

Reference: Procedural Order No.1, March 13, 2025
City of Guelph Evidence, July 2, 2025 Affidavit of Kyle Gibson
City of Guelph Evidence, July 2, 2025 Affidavit of Tijo Joseph

Question 1(a) to Interrogatories from Enbridge Gas Ltd.:

- (a) Please provide specific details of the work undertaken related to each of the POs listed at Exhibit 1-2-5.

Response to Question 1(a) to Interrogatories from Enbridge Gas Ltd.:

Purchase Order #1007338/001 from the City to Enbridge Gas Ltd. dated November 17, 2010 with a due date of May 11, 2010 for a gas main relocation on Maltby Road for the Infrastructure Stimulus Fund (ISF) project on Maltby Road from Gordon Street to Hanlon Expressway for \$18,885.19, and \$21,240.27 including taxes.

Purchase Order #1012663/001 from the City to Enbridge Gas Ltd. dated January 7, 2011 with a due date of August 25, 2010 to relocate an existing gas main in conflict with Speedvale Avenue East from Stevenson Street to the Eastern City Limit for \$25,072.31, and \$28,331.71 with taxes.

Purchase Order #0612814 from the City to Enbridge Gas Ltd. dated September 19, 2006 with a due date of September 13, 2006 to replace 847 metres of NPS 4 Plastic Intermediate Pressure Gas Main, which was replaced due to a conflict with the Victoria Road reconstruction. There was a completion date of installation for June 29, 2006. The invoice was for \$19,283.88, and \$21,983.62 with taxes.

Question 1(b) to Interrogatories from Enbridge Gas Ltd.:

- (b) Please confirm that on pages 8 - 10 at Exhibit 1, Tab 2, the City of Guelph is implying that all decommissioned or abandoned pipelines that it encounters during its projects is owned by Enbridge Gas.

Response to Question 1(b) to Interrogatories from Enbridge Gas Ltd.:

This information was provided in a GIS layer of all decommissioned or abandoned pipelines to the City from Enbridge Gas Ltd.

Question 1(c) to Interrogatories from Enbridge Gas Ltd.:

- (c) How has the City of Guelph determined the quantity, existence and age of abandoned gas pipelines referenced at Exhibit 1-2, paragraph 8 and that those pipelines are owned by Enbridge Gas? Please produce any records upon which the City of Guelph is relying in this regard.

Response to Question 1(c) to Interrogatories from Enbridge Gas Ltd.:

This information was provided in a GIS layer of all decommissioned or abandoned pipelines to the City from Enbridge Gas Ltd.

Question 1(d) to Interrogatories from Enbridge Gas Ltd.:

- (d) Please provide specific detail of the installation and abandonment dates of the pipe identified at Exhibit 1-2-6 (identified in the Exhibit List as “List of Abandoned Enbridge Gas Lines”).

Response to Question 1(d) to Interrogatories from Enbridge Gas Ltd.:

This information was provided in a GIS layer of all decommissioned or abandoned pipelines to the City from Enbridge Gas Ltd.

Of the significant amount of abandoned gas lines currently in place in the City, there are nearly 10,000 metres of abandoned gas lines installed on City property within the City's 10 year Capital Project Implementation planned work, including at the locations listed below. Current-state data does not forecast the decommissioning or abandonment of currently active parts of the gas system or parts yet to be constructed or installed.

- a. South Side Waterloo Ave Between 560 Waterloo Ave To Silvercreek Intersection was installed in 1959 and was decommissioned in 2000.*
- b. Waterloo Ave Crossing At Silvercreek Intersection was installed in 1970 and was decommissioned in 2000.*
- c. North Side Waterloo Ave Between 413 Waterloo Ave To Silvercreek Intersection was installed in 1957 and was decommissioned in 2000.*
- d. Wellington St At Hanlon Pkwy Crossing was installed from 1963 to 1970 and was decommissioned in 2000.*
- e. South Side College Ave W From 302 College Ave W To Hanlon Intersection was installed in 1957 and was decommissioned in 2012.*

- f. East Side on Gordon St From 1460 To 1428 Gordon St was installed in 1982 and was decommissioned in 2017.*
- g. West Side Gordon St At Gordon St At Vaughan Crossing was installed in 1961 and was decommissioned in 2003.*
- h. East Side Gordon St Between Monticello And Stone Rd was installed in 1959 and was decommissioned in 2011.*
- i. West Side On Gordon St At Forbes Intersection was installed in 1968 and was decommissioned in 2002.*
- j. Gordon St Crossing At 105 Gordon St was installed in 1966 and was decommissioned in 2015.*
- k. East Side Gordon St Between 105 To 90 Gordon St was installed in 1966 and was decommissioned in 2015.*
- l. Gordon St Crossing At 89 Gordon St was installed in 1966 and was decommissioned in 2015.*
- m. East Side On Dublin St Between Northumberland And Cork was installed in 1965 and was decommissioned in 2012.*
- n. West Side On Dublin St Between Northumberland And Cork was installed in 1959 and decommissioned in 2011.*
- o. East Side On Exhibition St Between London And Division was installed from 1957 to 1958 and was decommissioned in 2011.*
- p. South Side On Speedvale Ave E From 45 Speedvale Ave E To Manhattan Ct Intersection was installed in 1957 and was decommissioned in 2022.*
- q. North Side On Speedvale Ave E From Riverview Dr Intersection To Manhattan Ct Intersection was installed in 1957 and was decommissioned in 2022.*
- r. Baker St Woolwich To Quebec was installed in 1957 and decommissioned in 2022.*
- s. Macdonell St was installed in 1957 and was decommissioned in 2024.*
- t. East Side On Wyndham St N From Woolwich To Carden St was installed in 1959 and was decommissioned in 2025.*

- u. *South Side Woolwich St From Baker To Wyndham And West Side On Wyndham St N From Woolwich To Carden St was installed in 1959 and was decommissioned in 2025.*
- v. *Cork St was installed in 1957 and was decommissioned in 2025.*
- w. *Douglas St was installed in 1959 and was decommissioned in 2024.*
- x. *South Side On York Rd From Watson Rd To E Property Boundary Of 2 Watson Rd South was installed in 1983 and decommissioned in 2024.*
- y. *South Side On Stone Rd E From 795 To 847 Stone Rd E was installed in 1997 and decommissioned in 2004.*
- z. *West side on Victoria Road South from Clair Road East to Arkell Road was installed in 1986 and decommissioned in 2000.*

Question 1(e) to Interrogatories from Enbridge Gas Ltd.:

- (e) Please confirm that the Guelph Gas Company provided gas distribution services via pipelines to Guelph residents in the past and the time period during which the Guelph Gas Company provided such services.

Response to Question 1(e) to Interrogatories from Enbridge Gas Ltd.:

At a meeting held on July 27, 1870, it was decided that a gasworks was needed in the City. The usage of gas began on January 18, 1871 and was in continuous operation until 1957 (Source: The Annals of the City of Guelph, compiled under the direction of C. Action Burrows, Editor of the Guelph Herald, 1877; Gartner Lee Limited, Summary of Findings Former Guelph Gas Works Site and Adjacent Properties, City of Guelph, May 13, 1998).

Question 2 (a) to Interrogatories from Enbridge Gas Ltd.:

- a) Please confirm whether and the extent to which the City of Guelph confers or collaborates with other Ontario municipalities on any climate action initiatives. Provide the names of all such municipalities and an example of the any such collaboration with the City of Guelph.

Response to Question 2(a) to Interrogatories from Enbridge Gas Ltd.:

The question is overly broad. Generally, municipalities do collaborate on climate action, such as resource sharing and advocacy, including through organizations such as the Association of Municipalities of Ontario and the Federation of Canadian Municipalities. Municipal governments have an important role in climate action through local level

policymaking and implementation. Municipalities are creatures of the Province and are restricted in their legislative capacity to enact by-laws and resolutions that apply within their geographic boundaries and do not conflict with provincial or federal regulation. The City of Guelph creates our own by-laws and policies on climate action initiatives, as per the evidence provided to the OEB in this current proceeding. The City of Guelph's climate-related by-laws and policies are the product of local community engagement and stakeholder consultation and are approved by Council. Council represents the local constituency and its role is to consider the well-being and interests of the municipality, and to develop and evaluate the policies and programs of the municipality (Municipal Act, 2001 s.224).

Question 2(b) to Interrogatories from Enbridge Gas Ltd.:

- b) To the best of your knowledge, please confirm what Ontario municipalities other than the City of Guelph have community energy or climate action plans, commitments or policies aimed in any way at reduction of greenhouse gas emissions.

Response to Question 2(b) to Interrogatories from Enbridge Gas Ltd.:

This information involving the community energy or climate action plans, commitments or policies aimed in any way at reduction of greenhouse gas emissions of other municipalities is publicly available and the City of Guelph does not keep a record of this information and is not introducing or relying on evidence of other municipalities.

Question 1(a) to Interrogatories from the OEB:

- a) Please discuss why the issues raised by the City of Guelph in its filed evidence should be addressed in this proceeding and not a generic proceeding on the Model Franchise Agreement.

Response to Question 1(a) to Interrogatories from the OEB:

Enbridge Gas Ltd. served a copy of the Notice of Hearing and the application for approval of a new model franchise agreement between Enbridge Gas Ltd. and the City on January 31, 2025. Enbridge has requested an Order under s.10(2) of the Municipal Franchises Act (the "Act") approving the franchise agreement proposed by Enbridge; and an Order pursuant to s.8 of the Act approving a Certificate of Public Convenience and Necessity. Notably, Enbridge is not requesting an order of the OEB pursuant to s.9(4) of the Act directing and declaring that the assent of the electors of the City of Guelph is not necessary because, pursuant to s.10(5) of the Act, an order of the OEB under section 10(2) is deemed to be a valid by-law of the Municipality assented to by municipal electors. Council of the City of Guelph did not approve the form of franchise agreement and did not pass a by-law directing and declaring that the assent of the electors of the City of Guelph is not required.

Council directed staff to pursue amendments to the franchise agreement between Enbridge and the City of Guelph, not the form of model franchise agreement.

Further, the City intervened to ensure that the model franchise agreement is not imposed on the City as per the proper procedures under the Ontario Energy Board Act, and Rules of Practice and Procedure. The City intervened to participate in the Hearing and has undertaken all steps in the pre-hearing procedures. The issues raised by the City and the evidence put forth are local in nature and do not fit within considerations of Broader Applicability and Benefits of Broader Stakeholder Participation on the Issue in the Generic Hearings Protocol.

Nevertheless, the City of Guelph is not precluded from participating in a generic proceeding on the Model Franchise Agreement, would consent to participate in a generic hearing, and is willing to pursue all available avenues to ensure the Model Franchise Agreement is not imposed on the City of Guelph without amendments.

Question 2(a) to Interrogatories from the OEB:

- a) Please discuss which specific terms and conditions of the Model Franchise Agreement the City of Guelph seeks amendments to. Please also discuss any unique circumstance(s) about the City of Guelph that warrant a deviation from the terms and conditions in the Model Franchise Agreement.

Response to Question 2(a) to Interrogatories from the OEB:

City Council declined to pass a resolution approving the proposed form of franchise agreement, and did not request that the Ontario Energy Board make an Order declaring and directing that the assent of the municipal electors to the form of franchise agreement is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchises Act. Instead, City Council introduced the following motions and passed the following at City Council on November 26, 2025:

- 1. That the report entitled Municipal Franchise Agreement with Enbridge Gas Ltd. dated November 5, 2024, be received for information.*
- 2. That Council request the Province of Ontario to amend section 9 of Regulation 584/06 under the Municipal Act, 2001, to permit municipalities to charge fair fees to for-profit gas utilities for their use of public property, as municipalities do in most other provinces.*
- 3. That Council direct staff, to the satisfaction of the DCAO of IDE, to negotiate a Franchise Agreement with the gas distribution company that:*

- a. will allow the City of Guelph to charge fees for use of public property if and when Ontario Regulation 584/06 is amended to allow such charges,*
 - b. will ensure that the City of Guelph is not liable to pay for any gas infrastructure relocations needed due to conflicts with municipal infrastructure, and*
 - c. will ensure future charges for use of municipal property is not passed on to Guelph customers of the gas distribution company.*
4. *That the City of Guelph supports, in principle, the Bill 219, "No Free Ride for Fossil Fuels Act, 2024" tabled November 4, 2024 by Guelph MPP Mike Schreiner.*
5. *That the above referenced motions and a letter of support for Bill 219, be circulated to MPP Mike Schreiner, Premier Doug Ford, Minister of Municipal Affairs and Housing, Paul Calandra, Stephen Lecce, Minister of Energy and Electrification, the Ontario Big City Mayors (OBCM), the Association of Municipalities of Ontario, and its member municipalities.*

Council represents the local constituency and its role is to consider the well-being and interests of the municipality (Municipal Act, 2001 s.224). As demonstrated by the voluminous letters of comment that citizens of Guelph submitted, the assent of the electors should not be deemed by way of Order of the OEB imposing the unamended Model Franchise Agreement on the City of Guelph for a 20-year term. Further, the June 11, 2025 directive to the OEB pursuant to Order in Council 802/2025 notably mentions that maintaining "customer choice" is key to the objectives of the OEB, and the social licensing of the citizens of the City clearly demonstrates that the local citizens want a different Franchise Agreement that properly reflects the policy goals of the City.

The City seeks an amendment to paragraph 11 such that the City would not be responsible to share the cost of relocating gas lines if the property is no longer available to the City, for example, the closure of a municipal highway and sale to a private owner. The City requests paragraph 11 be revised as follows:

Current paragraph 11:

"The Corporation agrees, in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence, to give the Gas Company reasonable notice of such proposed sale or closing and, if it is feasible, to provide the Gas Company with easements over that part of the highway proposed to be sold or closed sufficient to allow the Gas Company to preserve any part of the gas system in its then existing location. In the event that such easements cannot be provided, the Corporation and the Gas Company shall share the cost of relocating or altering the gas system to facilitate continuity of gas service, as provided for in Paragraph 12 of this Agreement."

Amended paragraph 11:

“The Corporation agrees, in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence, to give the Gas Company reasonable notice of such proposed sale or closing and, if it is feasible, to provide the Gas Company with easements over that part of the highway proposed to be sold or closed sufficient to allow the Gas Company to preserve any part of the gas system in its then existing location. In the event that such easements cannot be provided, the Gas Company shall bear the cost of relocating or altering the gas system to facilitate continuity of gas service, in that event Paragraph 12 applies to the cost of relocation.”

Further, the City seeks amendments to paragraph 12 which would address costs to the City for gas infrastructure relocations or removals due to conflicts with municipal infrastructure, including where the City incurs a loss or expense by reason of Enbridge not relocating its infrastructure within a reasonable time and delaying a City project, or not removing or relocating decommissioned infrastructure. In particular, the City requests that paragraph 12(c) be amended to revise the calculation of “total relocation costs” and paragraph 12(d) be amended to revise the percentage cost allocation between City and Enbridge and to specify exceptions that should be wholly Enbridge’s responsibility.

On this issue, the City also seeks an amendment to paragraph 15(b) which would require Enbridge to remove any part of its decommissioned gas system that is within a City road allowance where the City has identified a strong potential for future conflicts with anticipated maintenance projects. The City requests that paragraph 15 be amended to revise paragraph 15(b) as follows:

Current paragraph 15(b):

“(b) If the Gas Company decommissions any other part of its gas system, it shall have the right, but is not required, to remove that part of its gas system. It may exercise its right to remove the decommissioned parts of its gas system by giving notice of its intention to do so by filing a Plan as required by Paragraph 5 of this Agreement for approval by the Engineer/Road Superintendent. If the Gas Company does not remove the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in any highway, the Corporation may remove and dispose of so much of the decommissioned gas system as the Corporation may require for such purposes and neither party shall have recourse against the other for any loss, cost, expense or damage occasioned thereby.

If the Gas Company has not removed the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in a highway, the Gas Company may elect to relocate the decommissioned gas system and in that event Paragraph 12 applies to the cost of relocation.”

Amended paragraph 15(b):

“(c) If the Gas Company decommissions any other part of its gas system, it shall have the right, but is not required, to remove that part of its gas system. It may exercise its right to remove the decommissioned parts of its gas system by giving notice of its intention to do so by filing a Plan as required by Paragraph 5 of this Agreement for approval by the Engineer/Road Superintendent. If the Gas Company does not elect to remove the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in any highway, the Corporation may remove and dispose of so much of the decommissioned gas system as the Corporation may require for such purposes and in that event Paragraph 12 shall apply to the cost of removal. If the Gas Company has not removed the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in a highway, the Gas Company may elect to relocate the decommissioned gas system and in that event Paragraph 12 applies to the cost of relocation.”

Question 2(b) to Interrogatories from the OEB:

- b) Please confirm that the City of Guelph is requesting approval to unilaterally change the Model Franchise Agreement if there are any changes in law related to charging fees without coming to the OEB. If confirmed, please describe how this is consistent with the provisions of the Municipal Franchises Act.

Response to Question 2(b) to Interrogatories from the OEB:

The City is not requesting approval to unilaterally change the Model Franchise Agreement if there are any changes in law related to charging fees without coming to the OEB, and instead, the City is participating in the hearing process in order to comply with the practice and procedures of the OEB.

Question 3(a) to Interrogatories from the OEB:

- a) The cost-sharing provisions and conditions pertaining to infrastructure relocations in the Model Franchise Agreement apply uniformly across the province. Please discuss why it would be in the public interest for the OEB to approve modified cost-sharing provisions and infrastructure relocation provisions for the City of Guelph.

Response to Question 3(a) to Interrogatories from the OEB:

The consent to a gas franchise is inherently local and engages the interests of the local electorate. The City is a municipality with the powers and duties under the Municipal Act, 2001 which are geographically and legislatively limited. The provisions of the Municipal Franchises Act apply at the individual municipal level in each circumstance of franchise grant or renewal. The Model Franchise Agreement is merely a template. The local electors in the City of Guelph have not assented to use City tax dollars to pay for infrastructure relocations or removals of gas lines that belong to Enbridge Gas Ltd. The citizens of the City of Guelph have demonstrated, through their Council representatives and in the letters of comment filed in the system during the course of this hearing, that it is not in the public interest to subsidize the infrastructure relocations or removals for gas lines.