



Ontario | Commission
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BY EMAIL

September 15, 2025

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

Dear Mr. Murray:

**Re: Ontario Energy Board (OEB) Staff Submission
Enbridge Gas Inc.
Application for the Renewal of a Municipal Franchise Agreement with, and a
Certificate of Public Convenience and Necessity for the City of Guelph
OEB File Number: EB-2025-0058**

Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 4.

Yours truly,

Original Signed By

Natalya Plummer
Advisor, Natural Gas Applications

Encl.

cc: All parties in EB-2025-0058



ONTARIO ENERGY BOARD

OEB Staff Submission

Enbridge Gas Inc.

**Application for the Renewal of a Municipal Franchise Agreement with,
and Certificate of Public Convenience and Necessity for the City of
Guelph**

EB-2025-0058

September 15, 2025

Introduction

On September 4, 2025, eMerge Guelph Sustainability (eMERGE Guelph) filed a notice of motion (Motion) with the OEB in respect of proceeding EB-2025-0058.

The Motion is for an order of the OEB, under Rule 27 of the *Rules of Practice and Procedure* (Rules), requiring the applicant, Enbridge Gas Inc. (Enbridge Gas), to provide full and adequate responses to eMERGE Guelph's interrogatories EGI-EMG-5, EGI-EMG-8, EGI-EMG-10, EGI-EMG-11, and EGI-EMG-16.

eMERGE Guelph states that the grounds for the motion are that the requested information is relevant to the proceeding, and that Enbridge Gas has not set out the reasons for the unavailability of particular information or alternative information as required by the OEB's *Rules of Practice and Procedure*. eMERGE Guelph argues that the information it seeks through the interrogatories is relevant for the OEB's determination under section 10 of the *Municipal Franchises Act* of whether public convenience and necessity require that a franchise be imposed on the City of Guelph and if so, on what terms and conditions.

The following is OEB staff's submission on the Motion. In summary, it is OEB staff's view that the motion should be denied.

OEB Staff Submission

O. Reg. 584/06

On April 17, 2025, eMERGE Guelph filed its evidence proposal letter. In the letter, eMERGE Guelph stated that its intention to file evidence relating to efforts made to amend O. Reg. 548/06 (Fees and Charges) and a jurisdictional scan of fees charged by municipalities to gas distributors for use of highways.

On May 29, 2025, the OEB issued Procedural Order No.2 which made provision for the filing of evidence by the City of Guelph and eMERGE Guelph. The OEB determined that evidence related to efforts to amend O. Reg. 548/06, made under the *Municipal Act, 2001*, would not be helpful and that any legislative or regulatory changes are speculative and fall outside the scope of this application.

OEB staff submits that some of the interrogatories under which eMERGE Guelph seeks additional responses are based on the potential for the repeal or amendment of O. Reg. 584/06, and therefore fall outside of the scope of this proceeding. OEB staff notes that part b) of interrogatory EGI-EMG-8, parts c) and d) of interrogatory EGI-EMG-11 and parts a) and b) of interrogatory EGI-EMG-16 request information pertaining to land-based fees. OEB staff also notes that in the notice of Motion, eMERGE Guelph states

that the information that it seeks pertaining to interrogatory EGI-EMG-11 “is relevant to the relief sought by the City of Guelph with the support of eMerge Guelph for a franchise agreement term permitting municipal land-based fees in the event of provincial legislative amendments.” Thus, OEB staff submits that additional responses are not required for these interrogatories.

Generic Issues

In Procedural Order No. 2, the OEB explained that the issues within scope include “any proposed amendment(s) to the terms and conditions of the franchise that may be warranted as a result of circumstances specific to the City” [emphasis added]. For additional clarity, the OEB reiterated that it was separately considering whether there is a need for a review of the generic issues related to the Model Franchise Agreement and that “any detailed discussion of generic changes to the Model Franchise Agreement is not within scope” insofar as the application only deals with a single specific agreement.

The OEB has been clear in advising stakeholders of its long-held expectation that the Model Franchise Agreement is to be used as a basis for franchise agreements unless there is a compelling reason for deviation. OEB staff submits that all of interrogatory EGI-EMG-5, part a) of interrogatory EGI-EMG-8, all of interrogatory EGI-EMG-10, parts a), b) and e) of interrogatory EGI-EMG-11, and parts c) and d) of interrogatory EGI-EMG-16 which are the remaining interrogatories under which eMERGE Guelph seeks additional responses pertain to generic issues and do not appear to raise questions about the suitability of the provisions of the Model Franchise Agreement in the specific circumstances of the City of Guelph. As such, OEB Staff submits that the responses that Enbridge Gas provided to these interrogatories are sufficient considering the scope of this proceeding.

~All of which is respectfully submitted~