



Intervention Form

Case Number:

EB-2025-0327

Requesting information on behalf:

Of an organization

Intervenor Name:

The Regional Municipality of Waterloo

Mandate and Objectives:

The Regional Municipality of Waterloo (the “Region”) is an upper-tier municipality in the Province of Ontario. Its role is statutorily prescribed by the Municipal Act, 2001.

Membership of the Intervenor and Constituency Represented:

The Region is located in the Southwestern region of Ontario, to the West of the Greater Toronto Area and has an estimated population of more than 678,170.

Programs or Activities Carried Out by the Intervenor:

The Region delivers its statutory responsibilities under the Municipal Act, 2001, including the management of public property and assets such as highways and other infrastructure. The application and interpretation of the Model Franchise Agreement (“MFA”) carry significant cost implications for the Region, prompting the need for amendments that improve clarity and

certainty. The application also affects the Region's broader economic, social, and environmental policy objectives, including efforts to reduce reliance on fossil fuel infrastructure and decarbonize Regional systems and assets in alignment with federal and provincial GHG emissions reduction targets.

Governance Structure:

The Region, as an upper-tier municipality, has been pre-authorized by its Council to seek amendments to the Model Franchise Agreement. The Region's representatives are employees of the Region and will act from the authority granted to them by Council, however, the Region respectfully reserves the right to retain external counsel to represent it in this matter at any point of the proceedings. Area Municipalities within the Region of Waterloo are: The cities of Cambridge, Kitchener, Waterloo, and the townships of North Dumfries, Wellesley, Wilmot and Woolwich.

Representatives:

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Cost Claim Filing contact:

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Frequent Intervenor Form:

Add all individuals listed on our Frequent Intervenor

Form as contacts for this proceeding:

N/A

Names and email addresses of individuals to be added as contacts for this proceeding:

N/A

OEB Proceedings:

Item Description	Category	Status
NONE		

Issues:

The Region is legally required to enter into an MFA with Enbridge and is directly affected as both a signatory and the owner of lands where Enbridge infrastructure is or may be located. The Region proposes revisions to the MFA that will be the subject of its intervention, in furtherance of the following objectives, as follows:

- Clarify the definition of “highway” that all parts of the Region’s right of way are captured;
- Include a requirement for Regional staff to be provided with as-built CAD drawings in UTM NAD83 Zone 17 co-ordinate system in s. 6 of the MFA;
- Add clarification regarding the use of the words “remove”, “relocate”, and “decommission” in such sections s. 12 and 15 of the MFA. Due to the fact that the words “remove”, “relocate”, and “decommission” are not defined in the MFA, this often leads to interpretation issues between the parties and potentially added costs;
- Add clarification regarding the interaction between s. 12 and 15 regarding cost sharing responsibilities. The Region does not agree with Enbridge’s position that s. 15 of the MFA gives Enbridge unfettered discretion to remove pipelines. The relationship between s.12 and 15 is more nuanced, and the Region believes the MFA would benefit from more clarification regarding these sections and when the obligation to remove is triggered;
- Allow the Region of Waterloo to charge for-profit entities such as Enbridge access fees for use of public property if Ontario Regulation 584/06 under the Municipal Act, 2001 is amended to allow for such charging of fees;
- Add clarification that “project engineering and project administrative costs” listed in s. 12(c)(v) are limited to actual cost incurred;
- Add language to the MFA that addresses who bears costs for pipeline locates/exposures that Enbridge requests to be done during design and construction of road improvement projects of the Region;
- Change the date in s.18 for when a request for infrastructure owned by Enbridge needs to be removed/replaced triggers Enbridge being 100% responsible for all such costs. When the Region signed the current MFA in 2006, 1981 was set as the cutoff year beyond which Enbridge assumed full cost responsibility for removing or relocating infrastructure, even when requested by the Region. Staff believe this date should be updated proportionally by 20 years for the new MFA to preserve the original intent of section 18 of having Enbridge be 100% responsible for removal/replacement costs of infrastructure that has surpassed its useful life; AND
- Any other changes deemed reasonably necessary by the Region. The Region reserves the right to raise any other issues that may come to light in advance of the hearing, that the OEB may accept.

Policy Interests:

The Region represents the best interests of its residents and the amendments it seeks are intended to address: • Efficient operation and management of Regional lands and infrastructure; • Cost certainty with regard to the application of cost sharing provisions of the MFA; • Capacity to manage aging Enbridge infrastructure in the new MFA; • The future flexibility for collection of access fees should there be legislative change allowing this, which could be used to reduce the burden of costs on Regional taxpayers related to Enbridge's infrastructure located on Regional lands. In this proceeding, Enbridge seeks an order of the OEB that the Region approve by by-law the Model Franchise Agreement without amendments. The Region intends to make policy submissions as to why the requested order is not in the best interest of the public.

Hearings:

The Region's preference is for a written hearing as it does not seek cross-examination of the Applicant or its witnesses.

Evidence:

The Region is unable to address this question as of the date of this submission.

Coordination with Other Intervenors:

The Region does not anticipate intervention from another municipality.

Cost Awards:

No.

Language Preference:

No.