

February 11, 2026

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

Dear Mr. Murray:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Application for Approval of Franchise Agreement
Regional Municipality of Waterloo (Waterloo Region)
Ontario Energy Board (OEB) File No. EB-2025-0327**

Enbridge Gas objects to the late intervention request of Environmental Defence (ED) submitted February 9, 2026, four days after the intervention deadline of February 5, 2026.

The OEB arranged for publication of the Notice of Hearing in the Kitchener Waterloo Record newspaper on January 19, 2026 as well as on the www.WaterlooChronicle.ca web site from January 19, 2026 through January 26, 2026. Contrary to ED's assertion that the timing of its request causes no delay or prejudice to any party, allowing ED to intervene will inevitably cause unnecessary delays in this proceeding given their stated focus on matters that are out of scope and irrelevant.

No Substantial Interest

When determining whether to grant intervenor status to a person in a proceeding, the OEB considers whether the person has a substantial interest in the matter being heard and whether the person's concern will be addressed within the scope of the proceeding. In accordance with Rule 22.02 of the OEB's [Rules of Practice and Procedure](#), a person has a substantial interest if they have a material interest that is within the scope of the proceeding; for example, a person that: (i) primarily represents the direct interests of consumers (e.g., ratepayers) in relation to services that are regulated by the OEB; (ii) primarily represents an interest or policy perspective relevant to the OEB's mandate and to the proceeding; or (iii) has an interest in land that is affected by the proceeding.

In a recent proceeding for a new certificate of public convenience and necessity (CPCN) for Tay Valley Township, ED's late intervention request was denied by the OEB because ED did not meet the onus of satisfying the OEB that it met the pre-conditions of "substantial interest" as defined by Rule 22.02. The OEB stated:

While the OEB notes the interest of Environmental Defence in the broad policy matters referred to in its intervention request, Environmental Defence seeks to explore issues that have implications for communities and natural gas consumers across Ontario. The broad issues of concern to Environmental Defence are not specific to the Township of Tay Valley.

Environmental Defence has raised generic issues, and it is certainly reasonable to expect that Environmental Defence is not the only party that would take an interest in a broader examination of these generic issues.

However, this is not a generic hearing into matters such as those raised by Environmental Defence.¹

In this proceeding, it is likewise unclear how ED has any substantial interest and ED has not and cannot meet this onus. There is no substantiation that ED has any authority to speak for the residents of Waterloo Region that may be impacted by this application. Indeed, Waterloo Region has sought intervenor status as the party best positioned to represent its residents. Further, following amendments to the *Municipal Franchises Act* that removed the requirement for consent of the electors to franchise agreements, the legislature has clearly assigned municipal responsibility for such matters to elected officials rather than to residents directly, or to interest groups.

Enbridge Gas also submits that the OEB should be cautious about admitting ratepayer funded intervenors into limited scope proceedings, particularly where there is no substantive evidence that the proposed intervenor has constituents who are directly impacted by the relief sought. To the extent that the OEB is prepared to entertain this late request at all, ED should be required to satisfy the onus of demonstrating a substantial interest by providing the OEB with information in respect of ED's supporters within Waterloo Region, including but not limited to their names, addresses, whether they are customers of Enbridge Gas and how they provide instructions to ED regarding the representation of their interests in this matter.

“Issues” List of Environmental Defence

In its intervention request, ED states that it wishes to explore the following issues:

1. Whether the agreement terms proposed by Enbridge Gas are appropriate, including from the perspective of fairness to Waterloo Region residents / taxpayers and to energy customers seeking clean and affordable energy systems.
2. Whether it is necessary to impose terms at this time rather than wait until the generic hearing has concluded.
3. Whether deviations from the Model Franchise Agreement (MFA) are warranted.
4. Whether any of the proposed terms constitute a fossil fuel subsidy (e.g., the provision of access to land without payment of land-based fees), and if yes, whether that is appropriate.

The OEB is clear in its [Natural Gas Facilities Handbook](#) that it adopted the MFA following significant input from interested stakeholders, including municipalities, and has applied it consistently in efficiently administering the many franchise agreements in place across the province (including 344 Enbridge Gas franchise agreements). Further, the OEB has consistently stated its expectations that franchise agreements will be based on the MFA “unless there is a compelling reason for deviation”. ED has not provided any such reasons in its intervention request, citing only the fact that it intends to address the franchise agreement renewal “from the perspective of fairness to Waterloo Region residents / taxpayers and to

¹ EB-2024-0342 – [Decision on Intervention Request](#) – March 20, 2025

energy customers seeking clean and affordable energy systems” which, as noted above, Waterloo Region is best placed to address.

ED implies that the OEB needs to await the results of the proposed narrow scope review of the MFA before agreeing that a new franchise agreement can be approved for Waterloo Region. If the proposed generic proceeding review of the MFA results in the OEB determining that amendments are appropriate, the OEB has authority to make amendments to existing franchise agreements, subject to the applicable rules of procedural fairness (under the common law and applicable provisions of the *Municipal Franchises Act*, the *Statutory Powers Procedure Act* and the *Ontario Energy Board Act, 1998*). This authority, for instance, includes the power to review and vary decisions and orders that have been issued with respect to franchise agreements. As a result, the proposed generic review is not a reason for the OEB to delay making a determination on a new franchise agreement for Waterloo Region.

ED’s item 4 “Issue” above alludes to potential amendments to [Ontario Regulation 584/06 \(Fees and Charges\)](#) under the *Municipal Act, 2001*. Enbridge Gas addressed this matter in its [reply argument](#) (Guelph Reply) respecting its application to renew its franchise agreement with the City of Guelph (EB-2025-0058) as well as in [its comments](#) to the many form letters of comment filed in that proceeding. There, the OEB ordered that issues or evidence relating to any potential future amendments to Ontario Regulation 584/06 are out of scope because any legislative or regulatory changes under consideration remain speculative.² Dismissive of the OEB’s orders, both the City of Guelph and eMerge Guelph Sustainability (also represented by ED’s legal counsel) repeatedly raised this issue in interrogatories, evidence and submissions, wasting time and resources of the OEB, all parties and ratepayers.

Nature of Proceeding

This application is a request for the OEB to determine in accordance with its authority under section 10 of the *Municipal Franchises Act* to renew or extend the term of the existing franchise agreement with Waterloo Region if public convenience and necessity appear to require it. As described in the [application](#), Enbridge Gas has an existing franchise agreement in place with Waterloo Region in the form of the OEB’s MFA and it currently serves approximately 106,000 customers in the lower-tier municipalities that are part of Waterloo Region. Renewal or extension of the franchise agreement is required for Enbridge Gas to access regional highways to continue serving these customers. There has been no suggestion that these customers do not wish to continue receiving services from Enbridge Gas.

The OEB should make every effort to avoid regulatory inefficiency and comply with the Minister of Energy and Mine’s directions to enhance efficiency and clarity within the OEB’s processes.³ The Minister has also directed the OEB to implement the Ontario government’s [Integrated Energy Plan](#) and strategy to leverage all energy resources to provide affordable, secure, reliable and clean energy to support economic growth and job creation. Timely and efficient adjudication of municipal franchise agreements with an aim to maintaining reliability and affordability of gas services to existing and new customers is an important part of the OEB’s role in this regard.

² OEB’s [Procedural Order No. 2](#), EB-2025-0058

³ Minister of Energy and Mines December 18, 2025 [direction letter](#) to OEB Chair, page 5

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

Yours truly,

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