

February 12, 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.
Application for Approval of Franchise Agreement and New Certificate of
Convenience and Necessity - City of Guelph
Ontario Energy Board File No. EB-2025-0058**

Enbridge Gas Inc. (Enbridge Gas) writes in response to the February 9, 2026 request by eMERGE Guelph Sustainability (eMERGE Guelph) to strike parts of Enbridge Gas' reply arguments in this proceeding or, in the alternative, to prolong this proceeding.

First, in respect to the allegation that Enbridge Gas has provided "new" argument in its reply submissions, it must be noted that Enbridge Gas, through the course of the six procedural orders in this proceeding, was not afforded the opportunity to submit argument-in-chief. Rather, the City of Guelph, eMERGE Guelph, Enbridge Gas and OEB staff were each instructed to file written submissions. Enbridge Gas was, however, specifically instructed to file its written submissions in reply¹, which it did. To now suggest that Enbridge Gas' arguments should be ignored because they ought to have been submitted in chief is inappropriate and contrary to the clear instructions of the OEB.

Secondly, regarding the allegation that Enbridge Gas has introduced "new" evidence, that too is a mischaracterization. As explained below, any facts Enbridge Gas referenced in reply or response are a) already on the record in some capacity; b) provided by way of response to OEB staff questions; or c) part of the public record and directly responsive to City of Guelph and eMERGE Guelph submissions.

Further, it is noted that previously in this proceeding, Enbridge Gas wrote a letter objecting to certain evidentiary filings made by the City of Guelph and eMERGE Guelph. By letter dated July 11, 2025, eMERGE Guelph objected to Enbridge Gas' request, complaining in part that such a request must come in the form of a motion under Rule 8 of the OEB's [Rules of Practice and Procedure](#). It is unclear what weight the OEB placed on that submission in determining not to restrict intervenor evidence, but it is submitted that the same consideration should be applied to ensure a consistent adjudicative approach.

Enbridge Gas is concerned that this latest request by eMERGE Guelph is part of an ongoing strategy to complicate and prolong adjudication of the Application unnecessarily and any such efforts should be rejected by the OEB given the OEB's mandate to manage intervenor

¹ [EB-2025-0058 – Procedural Order No. 5, December 4, 2025](#)

participation so as to enhance regulatory efficiency and effectiveness², for the benefit of all ratepayers.

Below Enbridge Gas provides the following specific responses to eMERGE Guelph's examples of alleged "new" evidence:

- *Enbridge submitted seven pages of extensive details regarding the existing CPCNs. This information should have been part of its original application. It is directly relevant to intervenor positions regarding the CPCN requested by Enbridge.*

Response: eMERGE Guelph is referring to the direct response Enbridge Gas provided to OEB staff questions³ to discuss whether F.B.C. 109 can be cancelled entirely or just amended to remove the City of Guelph and to discuss the status of the additional CPCNs Enbridge Gas described in its Application that covered parts of Guelph at one point (F.B.C. 99, F.B.C. 192, F.B.C. 332, F.B.C. 110 and F.B.C. 209). In its Application, Enbridge Gas requested that the OEB cancel / supersede those parts of the existing F.B.C. 109 CPCN related to the City of Guelph and replace them with a new CPCN for the current City of Guelph. That request has not changed. Enbridge Gas already explained in its Application how the other older CPCNs were associated with historical annexations involving the City of Guelph. The fact that Enbridge Gas provided additional historical information on the fate of these older CPCNs (parts of which were not associated with the City of Guelph at all) in direct response to OEB staff's questions was completely appropriate to inform staff about the status of the historical CPCNs. This is also consistent with the OEB's expectation that CPCN holders update service areas if boundaries of their existing CPCNs are affected by municipal amalgamations⁴, largely an administrative exercise for the OEB that does not require input from or prejudice any other party.

- *Enbridge submitted statements and financial figures regarding the municipal taxes paid by Enbridge and the cost of municipal services used by Enbridge without citing any source in the evidence (e.g., paragraph 14 of the letter of February 4, 2026 and in the letter of February 5, 2026). This is relevant to multiple issues in this proceeding and should have been submitted as part of Enbridge's application.*

Response: At paragraph 48 (not 14) of Enbridge Gas' reply argument, we refer to paying \$1,113,661 in property taxes in 2024 for all buildings and pipelines located within the City of Guelph. In response to an eMerge Guelph IR in this proceeding (Exhibit EGI-EMG-8), Enbridge Gas references this same amount of property taxes. In the Guelph Staff Report dated November 5, 2024 (included in the application at Schedule D1), Guelph Staff reported Enbridge paying \$1,065,558 in property / education taxes in 2023. This is not "new" evidence.

- *Enbridge refers to various online resources in footnote 33 of its letter of February 4, 2026 and footnotes 1, 2, and 4 of its letter of February 5, 2026. The intervenors have had no opportunity to respond to these materials or Enbridge's interpretation of them.*

Response: To clarify, footnote 33 of Enbridge Gas' reply argument is a link to the video of City of Guelph Committee of the Whole meeting on November 5, 2024, directly related to the City of Guelph evidence of the minutes from that same meeting, where City of Guelph staff confirmed that in response to a Councilor's question about whether non-gas customers in Guelph are providing a direct subsidy to Enbridge Gas, that "subsidy" is a loaded term

² [Report Back to the Minister – Intervenors and Regulatory Efficiency – September 27, 2024](#)

³ [OEB Staff Submission dated January 14, 2026](#), page 9

⁴ See the OEB's [decision in EB-2024-0294](#), issued February 4, 2025, page 4

and implies there is some cost or value that is not being recouped when in fact, Enbridge Gas pays property taxes and permitting/inspection fees in the City of Guelph and staff could not speak to what costs non-gas users may be bearing. This is a publicly available reference very familiar to the City of Guelph, directly related to its own evidence and refutes the intervenor arguments that Enbridge Gas' operations within the City of Guelph are subsidized.

Footnotes 1, 2 and 4 of Enbridge Gas' submission on the letters of comment are to: (FN 1) a publicly available Guelph News article dated March 10, 2025 dealing with our argument against eMERGE Guelph being an intervenor (also referenced in Enbridge Gas' March 12, 2025 initial submissions on the letters of comment); (FN 2) a publicly available video link to the Minister Lecce News Conference on January 7, 2026 where he addressed Narwhal questions about franchise fees; and (FN 4) a publicly available link to the video of the City of Guelph Committee of the Whole meeting on November 5, 2024 referenced above. These references are provided in direct response to intervenor arguments.

As noted above, the notion that Enbridge's Gas' arguments should be ignored is equally improper. Regardless, Enbridge Gas provides the following point-by-point responses:

- *Arguments based on the new evidence noted above.*

Response: None of the evidence referenced by eMERGE Guelph is "new" as explained above.

- *Arguments relating to the climate concerns raised in the eMERGE affidavits, including in paragraphs 49 to 60 of Enbridge's February 4, 2026 letter.*

Response: These paragraphs of Enbridge Gas' reply argument directly counter the climate-based arguments being made by the City of Guelph and eMERGE Guelph.

- *Arguments made in the February 5, 2026 letter in response to the public comments. Enbridge already replied to public comments on March 15, 2025. The further response on February 5, 2026 was contrary to the rules, which requires a response before the record is closed. The evidentiary portion of the hearing had closed long before the response was provided.*

Response: Pursuant to section 23.05 of the OEB's [Rules of Practice and Procedure](#):

Before the record of a proceeding is closed, the applicant in the proceeding must address the issues raised in letters of comment by way of a document filed in the proceeding.

There is no reference to limiting the record of a proceeding to the "evidentiary" portion of a proceeding. Enbridge Gas is obligated to respond to all letters of comment before the record of this proceeding closes which it has done. As referenced in our submissions dated February 5, 2026, our March 2025 submission only addressed the first 215 letters of comment. Enbridge Gas was still required to respond to the 264 letters of comment that were submitted subsequent to our initial March 2025 submission.

- *Arguments based on the Leamington decision, which could have and should have been made in Enbridge's argument-in-chief.*

Response: Again, the OEB did not provide for an argument-in-chief from Enbridge Gas. Also, the decision of the Superior Court of Justice in the case of *Leamington (Municipality of) v. Enbridge Gas Inc., 2024 ONSC 867 (CanLII)* was referenced in Enbridge Gas' [July 10,](#)

[2025 submission](#) in this proceeding objecting to eMERGE Guelph's proposed evidence. The City of Guelph referenced this court proceeding in its [final arguments dated January 14, 2026](#) (footnote 37) and eMERGE Guelph made the same reference in its [final arguments dated January 14, 2026](#) (footnote 4). Enbridge Gas was replying to arguments and references made by intervenors.

- *Arguments about the appropriateness of deviations from the Model Franchise Agreement, which could have and should have been made in Enbridge's argument-in-chief.*
- *Arguments interpreting the Municipal Franchises Act, including that "the OEB does not have to be satisfied that each individual term of the MFA, such as the particular duration of it, is required by public convenience and necessity" (paragraph 9, letter of February 4, 2026).*

Response: Enbridge Gas was not granted an opportunity to file argument-in-chief and was responding to arguments being made by intervenors.

In summary, Enbridge Gas submits that eMERGE Guelph's complaints are unfounded and without merit and urges the OEB to move forward with a Decision and Order in this proceeding.

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

Yours truly,

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