



From: Ontario Energy Board <webmaster@oeb.ca>

Sent: Thursday, April 30, 2026 4:23 PM

To: Office of the Registrar <Registrar@oeb.ca>

Cc: jmalandrucolo@essex.ca

Subject: Intervention Form: EB-2026-0009 - The Corporation of the Town of Essex

Intervention Form

Case Number:

EB-2026-0009

Requesting information on behalf:

Of an organization

Intervenor Name:

The Corporation of the Town of Essex

Mandate and Objectives:

The Corporation of the Town of Essex represents municipal public-interest and policy interests related to the management, protection and use of municipal rights-of-way and other Town-owned property, including: (i) fair and predictable allocation of costs between municipalities, utilities and affected residents, (ii) timely coordination of municipal works with utility relocations to avoid project delays and repeated disruptions, and (iii) ensuring clear, current and enforceable franchise terms that reflect modern municipal operations.

Membership of the Intervenor and Constituency Represented:

The Corporation of the Town of Essex is an Ontario municipality governed by an elected Council. The Town acts through Council and municipal administration. In this proceeding, the Town represents the interests of its residents and taxpayers, including road users and property owners, in relation to the use and protection of municipal rights-of-way and other municipal property and the fair allocation of costs and responsibilities arising from utility infrastructure located within the Town.

Programs or Activities Carried Out by the Intervenor:

The Corporation of the Town of Essex delivers local government programs and services, including the operation and maintenance of municipal roads and rights-of-way, planning and construction of municipal infrastructure, coordination and permitting of utility works within municipal highways, management of municipal property and easements, and administration of municipal drainage and stormwater systems. The Town also carries out related activities such as asset management, public safety coordination, and responding to resident inquiries arising from construction and utility operations.

Governance Structure:

The Corporation of the Town of Essex is a lower-tier Ontario municipality directed by an elected Council that exercises authority through by-laws and resolutions. The Town's participation in this proceeding will be led by municipal staff, under the authority of its Council. The Town's representatives will provide regular updates to Council on material developments and ensure that any submissions reflect the Town's priorities and responsibilities.

Representatives:

Joseph Malandrucolo
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Cost Claim Filing contact:

Joseph Malandrucolo
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Other Contacts:

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
EB-2024-0351	OEB Consultations – Natural Gas	

Issues:

The Town was the participant of a previous OEB proceeding number EB-2024-0351. The Town's proposed edits to the Model Franchise Agreement were submitted to the OEB through that proceeding. Most of the suggested amendments proposed to the Model Franchise Agreement through proceeding number EB-2024-0351 were for the purposes of clarification, updating wording to reflect the current titles of the representatives of The Corporation of the Town of Essex and other amendments required to update a twenty-year-old agreement. Proposed changes to Paragraph 12 of the Model Franchise Agreement were suggested to require reasonable spending and pro-rated costing. Changes to Paragraph 15 of the Model Franchise Agreement were suggested to reflect that there is a disproportionate balance of power with regard to the control over abandoned mains within Town owned property and the costs of removal and disposal of such mains. Issues that are relevant and material to The Corporation of the Town of Essex include Pavement Cuts and the Drainage Act sections. Proposed changes to Paragraph 18 of the Model Franchise Agreement were suggested to incorporate, from the Franchise Handbook, wording related to Pavement Cuts. Proposed changes to Paragraph 21 of the Model Franchise Agreement were suggested to confirm the terms of the Drainage Act, Ontario, supersedes the terms of the Model Franchise Agreement, recognizing the supremacy of contract and the legal power to negotiate. As the residents of the Town and not the Town itself are responsible for such drainage relocation costs, as a matter of public policy and fairness on behalf of the residents of the Town, the proposed amendments to Paragraph 21 of the Model Franchise Agreement ensure residents do not bear any more costs of drainage relocation than those set out in the Drainage Act, Ontario.

Policy Interests:

The Corporation of the Town of Essex represents municipal public-interest and policy interests related to the management, protection and use of municipal rights-of-way and other Town-owned property, including: (i) fair and predictable allocation of costs between municipalities, utilities and affected residents, (ii) timely coordination of municipal works with utility relocations to avoid project delays and repeated disruptions, and (iii) ensuring clear, current and enforceable franchise terms that reflect modern municipal operations. These interests are directly relevant and material to the OEB's review of the Model Franchise Agreement because the Model terms govern how utilities occupy and perform work within municipal highways and other municipal property. As the residents of the Town and not the Town itself are responsible for infrastructure costs, as a matter of public policy and fairness on behalf of the residents of the Town, amendments are proposed to the Model Franchise Agreement to ensure that residents do not bear any more than equitable costs.

Hearings:

N/A

Evidence:

No.

Coordination with Other Intervenors:

The Corporation of the Town of Essex intends to coordinate its participation with other municipalities within Essex County, with a collective view to advance a coordinated municipal position on common issues to avoid duplication. Subject to further confirmation by the participating municipalities, this coordination will include aligning submissions where interests are common.

Cost Awards:

The Corporation of the Town of Essex is applying for cost award eligibility. The Town acknowledges that municipalities are generally not eligible for costs under section 3.05 of the OEB's Practice Direction on Cost Awards, however, this proceeding permits municipalities and municipal groups to seek costs pursuant to section 3.07. The Town's participation will focus on issues of broad municipal public interest in the Model Franchise Agreement, including cost allocation and timing requirements for relocations, the treatment of decommissioned infrastructure in municipal rights-of-way, the supremacy of the Drainage Act and related terms affecting municipal operations and residents. The Town expects to participate responsibly and efficiently, including coordinating with other municipalities where possible, and requests to be found eligible for a cost award in accordance with section 3 of the Practice Direction.

Language Preference:

No.