

IN THE MATTER OF a generic proceeding commenced by the Ontario Energy Board to review the natural gas Model Franchise Agreement

PROCEDURAL ORDER NO. 1

May 14, 2026

On March 26, 2026, the Ontario Energy Board commenced a proceeding on its own motion under section 19 of the *Ontario Energy Board Act, 1998*, to conduct a limited review of the Model Franchise Agreement for natural gas.

This Procedural Order No. 1 determines the approved parties and outlines the next steps in this proceeding. In undertaking this proceeding, the Ontario Energy Board remains committed to efficiency, timeliness and dependability of adjudication.

The Commissioners assigned to this proceeding are: David Sword (presiding), Robert Dodds, and James Sidlofsky.

Background

The Model Franchise Agreement

Before a natural gas utility can provide natural gas service within a municipality, it must first enter into a franchise agreement with that municipality. A franchise agreement is an operational contract between the municipality and the gas utility that sets out the rights and obligations of both parties. These agreements typically bind the parties for a term of 20 years. All franchise agreements must be approved by the Ontario Energy Board.

The Ontario Energy Board adopted the Model Franchise Agreement to ensure fairness, transparency and consistency among individual franchise agreements across Ontario. The Ontario Energy Board expects that gas utilities and municipalities will use the terms of the Model Franchise Agreement without amendment, unless there is a compelling reason for deviation.

The Nature of this Proceeding

In recent years, some municipalities and local community-based interest groups have challenged certain terms of the Model Franchise Agreement during individual gas franchise proceedings. Many of these challenges raised issues of a generic nature, focusing on specific sections of the Model Franchise Agreement itself, rather than issues unique to a particular municipality.

In response, the Ontario Energy Board initiated this proceeding to examine certain sections of the Model Franchise Agreement that have emerged as areas of concern.

This proceeding will review the templated form of the Model Franchise Agreement; it will not entail a review of individual franchise agreements that have been signed by specific municipalities and gas utilities. This proceeding takes place within the context of Ontario's current energy landscape and the objectives outlined in Ontario's Natural Gas Policy Statement, which establishes that natural gas remains a vital component of Ontario's energy mix.

In keeping with the Ontario Energy Board's historical proceedings regarding the creation and adoption of the Model Franchise Agreement, the purpose of this proceeding is to provide a forum for the discussion of generic issues within the Model Franchise Agreement that have been raised by parties in recent natural gas franchise application proceedings.¹

Procedural History

A Notice of Hearing (Notice) for this proceeding was issued on March 26, 2026.² The Notice was served on Ontario municipalities, natural gas utilities, and frequent intervenors.

Ontario Energy Board staff convened an untranscribed Information Session on April 15, 2026, to provide general information on the Ontario Energy Board's process and the regulatory regime for municipal gas franchises.

The Notice set April 20, 2026, as the deadline for municipalities, gas utilities and other interested parties to submit intervention requests in this proceeding. However, following comments from municipalities at the Information Session, the Ontario Energy Board extended the deadline for intervention requests to May 1, 2026.³

¹ See [EBO 125](#): *In the matter of the Ontario Energy Board's review of franchise agreements and certificates of public convenience and necessity*; and [RP-1999-0048](#): *Report to the Board*.

² EB-2026-0009, [Notice of Hearing](#), March 26, 2026.

³ EB-2026-0009, [OEB Letter](#) re Extension of Intervention Deadline, April 17, 2026.

The Ontario Energy Board has received 39 intervention requests from gas utilities, municipalities, and other interested individuals. The Ontario Energy Board has also received three letters of comment.

On May 6, 2026, Enbridge Gas filed a letter stating that as “party to over 340 franchise agreements, and as the accountable party to pay the cost claims for potentially 35 intervenors in the proceeding...its views on intervention requests are relevant and should be considered by the Ontario Energy Board.”⁴

In its letter, Enbridge Gas made one comment on the intervention requests: it submitted that an individual intervenor, Gord McGuire, does not claim to represent the direct interests of a consumer or ratepayer group and that if he is approved as an intervenor, then he should not be eligible for a cost award. Enbridge Gas also indicated that it would be beneficial for the Ontario Energy Board to provide additional coordination and grouping of intervenors and that it may make a proposal for a deferral account to record and recover the costs of the proceeding at a future date.

On May 12, 2026, Gord McGuire filed a letter responding to Enbridge Gas’s letter of May 6, 2026. In the letter, Gord McGuire submitted that an increasing emphasis on standardization in Ontario policy is important to the broader context to this proceeding. Gord McGuire submitted further that the request to intervene is based on a substantial and direct interest in the issues under review, and that he brings more than 30 years of experience related to the issues in this proceeding. Describing his experience in detail, he submitted that he intends to assist the Ontario Energy Board through a practical municipal-operational and cross-sector implementation perspective. Gord McGuire also submitted that cost eligibility should be determined on the basis of whether his participation would materially assist the Ontario Energy Board in an efficient and non-duplicative manner.⁵

Decision on Intervention Requests

The Notice indicated that municipalities and gas utilities who submit intervention requests would be granted intervenor status in this proceeding. The Notice also made provision for other interested parties to submit intervention requests to be determined by the Ontario Energy Board.

⁴ EB-2026-0009, [Enbridge Gas Letter](#) re Intervention Requests, May 6, 2026.

⁵ EB-2026-0009, Gord McGuire Letter re Intervention Request, May 12, 2026.

Municipalities

The Ontario Energy Board approves the municipalities and municipal associations listed below as intervenors in this proceeding.

The approved municipal intervenors have been grouped by geographic proximity for illustrative purposes only. Municipal intervenors may find it helpful to coordinate their participation, share insights, or even align their approaches where it makes sense to do so. The Ontario Energy Board encourages municipalities to collaborate on issues where they share a common interest, as doing so can lead to a more efficient proceeding.

- ***Essex – Chatham-Kent:***
 - Municipality of Chatham-Kent
 - County of Essex
 - Town of Essex
 - Municipality of Lakeshore
 - Town of Tecumseh
 - City of Windsor

- ***Southwestern Ontario:***
 - City of Guelph
 - City of London
 - County of Middlesex
 - Regional Municipality of Waterloo
 - Township of Woolwich

- ***Halton – Niagara:***
 - Town of Oakville
 - City of Welland

- ***Simcoe – York - Durham:***
 - County of Simcoe
 - City of Orillia
 - Township of Ramara
 - Town of Stouffville
 - Township of Uxbridge

- ***Eastern Ontario:***
 - Bonnechere Valley Township
 - Town of Cobourg
 - Township of Leeds and the Thousand Islands
 - City of Ottawa

- Municipality of Tweed
- Township of Tyendinaga

- ***Northeastern Ontario:***
 - Federation of Northern Ontario Municipalities (FONOM)
 - Municipality of Temagami

- ***Northwestern Ontario:***
 - Northwestern Ontario Municipal Association (NOMA)

Gas Utilities

The following utilities, as direct parties to municipal franchise agreements in Ontario, are accepted as intervenors in this proceeding:

- Enbridge Gas Inc. (Enbridge Gas)
- EPCOR Natural Gas Limited Partnership (EPCOR)

Other Interested Parties

The following interested parties have demonstrated a substantive interest – whether from a cost perspective, a policy perspective, or through participation in previous franchise agreement proceedings – and are therefore approved as intervenors in this proceeding:

- Building Owners and Managers Association Toronto
- Community Coalition (representing eMerge Guelph Sustainability, Environmental Defence Canada, and Climate Network Lanark)
- Consumers Council of Canada
- Energy Probe Research Foundation
- Federation of Rental-housing Providers of Ontario
- Pollution Probe
- School Energy Coalition
- Vulnerable Energy Consumers Coalition

The OEB's findings on the following two intervention requests are provided below:

- Minogi Corporation
- Gord McGuire

The Ontario Energy Board appreciates and respects Minogi Corporation's interest in ensuring the perspectives of the Mississaugas of Scugog Island First Nation are represented. The Ontario Energy Board is still considering Minogi Corporation's intervention request and will require further information from Minogi Corporation to assist with its determination on Minogi Corporation's intervenor status. The Ontario Energy Board will be issuing a letter to Minogi Corporation with a number of questions in this regard.

Gord McGuire wishes to intervene "as an individual representing my own interests and experience, not on behalf of a membership-based organization or constituency." He has confirmed that he does "not primarily represent a general policy organization or advocacy constituency", and that he is "participating as an individual with specialized municipal, infrastructure, and regulatory experience relevant to the issues in this proceeding."⁶

The Ontario Energy Board has considered Gord McGuire's request – as set out in both his initial intervention form and his reply to Enbridge Gas – and has determined that it will not grant Gord McGuire intervenor status.

Rule 22 of the Ontario Energy Board's *Rules of Practice and Procedure* sets out the test for intervenor status:

The person applying for intervenor status must satisfy the OEB that they have a substantial interest and intend to participate responsibly in the proceeding. (...) A person has a substantial interest if they have a material interest that is within the scope of the proceeding; for example: (i) primarily representing the direct interests of consumers (e.g., ratepayers) in relation to services that are regulated by the OEB; (ii) primarily representing an interest or policy perspective relevant to the OEB's mandate and to the proceeding; (iii) having an interest in land that may be affected by the outcome of the proceeding; or (iv) having constitutionally protected Aboriginal or treaty rights that may be affected by the outcome of the proceeding.

Rule 22.02 goes on to describe the considerations that come into play when an intervention request is made by an individual:

⁶ EB-2026-0009, Gord McGuire Intervention Request, April 29, 2026.

In determining whether to grant intervenor status to an individual that is representing their own interests as a customer of the applicant or that is primarily representing a policy interest, the OEB will consider whether the individual: (i) raises a unique issue that is not already expected to be adequately addressed by another intervenor; or (ii) has expertise that the OEB would find helpful.

Gord McGuire is clearly interested in the subject matter of this proceeding. However, the Ontario Energy Board finds that he does not have a “substantial interest” in this proceeding, as contemplated by the *Rules of Practice and Procedure*, that would support intervenor status. Gord McGuire does not represent the direct interests of consumers or a policy perspective in this proceeding; has not presented himself as a natural gas ratepayer or as someone who has an interest in land that may be affected by the outcome of the proceeding; and has not asserted that he has constitutionally protected Aboriginal or treaty rights that may be affected by the outcome of the proceeding.

As noted above, Rule 22.02 also addresses situations where an individual is representing their own interests as a customer of the applicant or is primarily representing a policy interest. While there is no “applicant” in this proceeding, Ontario’s rate-regulated natural gas utilities and municipalities that receive natural gas services from them are parties.

However, Gord McGuire is not representing his interests as a customer, and he has acknowledged that he does not represent a policy interest. That aside, the Ontario Energy Board has gone on to consider whether Gord McGuire (i) raises a unique issue that is not already expected to be adequately addressed by another intervenor; or (ii) has expertise that the Ontario Energy Board would find helpful.

There are 25 municipalities, two municipal associations and two rate-regulated natural gas utilities that will be participating in this proceeding as parties. The Ontario Energy Board expects that the municipal and operational perspectives on the implications of the Model Franchise Agreement discussed by Gord McGuire in his request will be adequately addressed by these parties and the other organizations granted intervenor status, including any consultants they may be retaining.

Although the Ontario Energy Board is denying Gord McGuire’s request for intervenor status, Gord McGuire is welcome to communicate his views to the Ontario Energy Board in this proceeding by way of a letter of comment. Please see Rule 23 of the *Rules of Practice and Procedure*, which addresses letters of comment.

Decision on Cost Eligibility

The Notice referred to section 3.05 of the Ontario Energy Board's [Practice Direction on Cost Awards](#) (Practice Direction), which provides that a municipality (or group of municipalities) is not eligible for a cost award. The Ontario Energy Board advised that given the unique nature of this proceeding, it is making an exception to this section pursuant to section 3.07 of the Practice Direction and will consider municipalities eligible for cost awards for their participation in this proceeding. The Notice also encouraged grouping among municipalities with shared interest and that such Municipal Groups, where formed, would also be eligible for cost awards.

All approved intervenors in this proceeding, with the exception of Enbridge Gas and EPCOR, are eligible for cost awards in this proceeding.⁷

Cost Awards & Municipal Groups

The Ontario Energy Board notes that a finding of *eligibility* to apply for cost awards is not a guarantee of recovery of any costs claimed. Cost awards are determined by the Ontario Energy Board at the end of a proceeding. All parties are encouraged to review the Practice Direction (linked above) for guidance on eligible costs and disbursements.

The Ontario Energy Board appreciates the desire of each municipality to provide its individual views on the issues in this proceeding. However, the Ontario Energy Board strongly encourages municipalities to consider working together on shared or common issues, in light of the large number of municipal participants.

In determining the amount of a cost award, the Ontario Energy Board will consider (among other things) whether the cost eligible party has demonstrated through its participation and documented in its cost claim that it has made reasonable efforts to combine its intervention with that of one or more similarly interested parties and to cooperate with all other parties; and to ensure that its participation was not unduly repetitive and was focused on relevant and material issues.

As mentioned above, the Ontario Energy Board has organized the list of approved municipal intervenors according to geographic proximity. This is intended to reflect the possibility that neighboring municipalities – and those already connected through regional caucuses of the Association of Municipalities of Ontario – may have overlapping local issues and may find value in coordinating their participation, should they so choose.

⁷ As commercial entities, Enbridge Gas and EPCOR are not eligible for an award of costs under the Practice Direction.

The Ontario Energy Board encourages collaboration as this proceeding begins.

The Role of Ontario Energy Board Staff

Some Ontario Energy Board staff members participate in Ontario Energy Board proceedings. Their role is to help the Ontario Energy Board reach a well-informed, evidence-based decision through the filing of interrogatories, evidence, and submissions, where appropriate. The perspectives, views, and submissions of Ontario Energy Board staff in a proceeding are solely those of staff, and do not represent or bind a panel of Ontario Energy Board commissioners.

The Issues in this Proceeding

The Notice included a Draft Issues List for this proceeding. Each issue is tied to a specific provision within the current Model Franchise Agreement. The Ontario Energy Board reiterates that this proceeding is being conducted in the context of Ontario's current energy landscape, including the objectives outlined in the Province's Natural Gas Policy statement.

Parties may make submissions on the Draft Issues List and on whether, in their views, it appropriately outlines the scope of this proceeding. Parties may provide details on the specific matters that they propose to address.

While this proceeding is intended to be a limited review of the Model Franchise Agreement, parties may propose additional topics that they submit should be considered in this proceeding.

Parties are invited to file submissions on the Draft Issues List to the Ontario Energy Board and serve them on all other parties, by **May 29, 2026**.

The Ontario Energy Board will consider the submissions on the Draft Issues List and will issue an approved Issues List at a later date. The approved Issues List will determine the scope of this proceeding.

The list below constitutes the Draft Issues List for this proceeding.

- **Section 11: Alternative Easement**
 - Are changes required to the provisions in section 11 of the Model Franchise Agreement pertaining to notice, the availability of easements and cost sharing in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence?

- **Section 12: Pipeline Relocation**
 - Are changes required to the cost sharing provisions as between municipalities and utilities in section 12 of the Model Franchise Agreement relating to the costs associated to pipeline relocations?
 - Are changes required in relation to the notice or time requirements for the completion of relocation under section 12 (e.g. should a time be specified)? If so, what would be an appropriate amount of time?

- **Section 15: Disposition of the Gas System & Section 16: Use of Decommissioned Gas System**
 - Are changes required in section 15 and section 16 of the Model Franchise Agreement relating to the removal of decommissioned pipelines?

- **Non-substantive administrative updates to the Model Franchise Agreement**
 - What terminology and nomenclature in the Model Franchise Agreement requires an update to reflect current operations?

- **Implementation of possible updates to the Model Franchise Agreement**
 - If changes to the Model Franchise Agreement are made, how should the updated terms affect existing gas franchise agreements and applications currently before the OEB (e.g. how and when any changes be integrated into existing agreements)?

As indicated in the Notice, the scope of this proceeding does not include potential legislative or regulatory amendments such as the payment of fees by utilities to municipalities for the use of municipal rights of way. Such fees are currently prohibited

by *O.Reg 584/06: Fees and Charges*. Similarly, issues pertaining to the *Drainage Act*⁸ are not within the scope of this proceeding.

Filing of Evidence

The Model Franchise Agreement shall form the pre-filed evidence for this proceeding. Parties may request leave of the Ontario Energy Board to file evidence and/or expert evidence in accordance with its *Rules of Practice and Procedure*.

For greater certainty, if a party in this proceeding wishes to file evidence in this proceeding (expert or otherwise), it must file a letter with the Ontario Energy Board that outlines what it intends to file, why it matters to the issues being reviewed, and whether there will be collaboration with other parties on it.

If any party seeks to file evidence and wants these costs to be covered, then in addition to the description of the evidence, the letter should also provide an estimated cost (with what is expected of the expert and of any others supporting that work) and a description of the value and the relevance to the proceeding that the evidence will provide.

Parties in this proceeding are encouraged to talk to one another and coordinate where possible when preparing evidence for this proceeding. As noted above, coordination is among the factors that may be considered by the Ontario Energy Board in determining cost awards.

Parties shall inform the Ontario Energy Board by letter of their plans to file evidence in this proceeding by **June 12, 2026**.

The Ontario Energy Board will decide on the filing of evidence shortly afterwards.

Any experts will be expected to acknowledge their duties in the proceeding by filing Form A pursuant to Rule 13A.03(f) of the Ontario Energy Board's *Rules of Practice and Procedure*.

Intervenor evidence, including any expert evidence, that is approved shall be filed with the Ontario Energy Board, and copied to all other parties, by **July 17, 2026**.

⁸ R.S.O. 199, c. D.17

Interrogatories (Questions):

Written interrogatories will be a part of this proceeding. Interrogatories allow for parties to pose questions to one another on the evidence and issues in the proceeding. Parties are encouraged to refer to Rule 26 of the *Rules of Practice and Procedure* for information on the purpose and filing of interrogatories. Parties are expected to focus their questions on matters that are related to the approved Issues List and the evidence submitted and avoid topics that are beyond the scope of this proceeding. When considering cost awards, the Ontario Energy Board will look at whether parties made a reasonable effort to keep their participation focused in this way.

For administrative purposes, Rule 26 and Rule 27 of the Ontario Energy Board's [*Rules of Practice and Procedure*](#) must be consulted regarding the required conventions and other matters related to interrogatories.

Parties may file interrogatories to obtain further information from one another regarding matters on the Ontario Energy Board-approved Issues List and/or any evidence that is approved by the Ontario Energy Board and filed on the record. All interrogatories must be filed with the Ontario Energy Board and served on all parties by **July 31, 2026**.

Parties in receipt of interrogatories directed to them shall file with the Ontario Energy Board complete written responses to all interrogatories and serve them on all parties by **August 20, 2026**.

Next steps after August 20, 2026

Additional procedural steps in this proceeding will be provided by the Ontario Energy Board in due course.

The Ontario Energy Board expects that subsequent procedural steps are likely to include an oral hearing, followed by written submissions (argument) from the parties with an opportunity for parties to file reply arguments. The Ontario Energy Board will consider the upcoming municipal elections in determining steps beyond August 20, 2026.

THE ONTARIO ENERGY BOARD ORDERS THAT:**Issues List**

1. Parties wishing to comment on the Draft Issues List must file their comments and suggestions with the Ontario Energy Board, copying all parties to this proceeding, by **May 29, 2026**. The Ontario Energy Board will then finalize the Issues List for distribution to the parties.

Filing of Evidence

2. After the decision on the Issues List is issued, parties may request leave of the Ontario Energy Board to file evidence, including expert evidence, in this proceeding, by **June 12, 2026**. Parties shall make their requests by letter filed with the Ontario Energy Board and copied to all parties, and shall address the matters set out in Rule 13 of the Ontario Energy Board's *Rules of Practice and Procedure* in their requests. The Ontario Energy Board will then decide on the requests.
3. Any evidence that is approved, including any expert evidence, shall be filed with the Ontario Energy Board, and copied to all parties, by **July 17, 2026**.

Interrogatories

4. Parties may file written interrogatories to obtain further information from one another regarding matters on the OEB-approved Issues List and/or any evidence that is approved by the OEB and filed on the record. All written interrogatories must be filed with the Ontario Energy Board and copied to all parties, by **July 31, 2026**.
5. Parties shall file with the Ontario Energy Board complete written responses to all interrogatories posed to them and serve them on all parties by **August 20, 2026**.

After August 20, 2026

- Additional details will be provided in due course. Next steps are expected to include an oral hearing, followed by written submissions from the parties, with the parties having the opportunity to provide final reply arguments.

Direction for preparing materials

- Parties must avoid the use of acronyms. Not everyone knows what an acronym means, even if it is common within a specific sector. Avoiding acronyms removes guesswork and ensures the meaning is immediately clear.

- Parties are responsible for ensuring that any documents they file with the Ontario Energy Board, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the Ontario Energy Board's [Rules of Practice and Procedure](#).
- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the Ontario Energy Board, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire Ontario Energy Board documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Pursuant to rule 9.03 of the Ontario Energy Board's [Rules of Practice and Procedure](#), parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

How to file documents with the ONTARIO ENERGY BOARD

- Parties are required to quote file number (i.e., **EB-2026-0009**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing

or copying restrictions) with a digital signature through the [Ontario Energy Board's online filing portal](#).

- Parties must use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the Ontario Energy Board's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@OEB.ca for assistance.
- Cost claims are filed through the Ontario Energy Board's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the Ontario Energy Board's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar and be received by **4:45 p.m.**, on the required date.
- With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Natalya Plummer at Natalya.plummer@OEB.ca and Board Counsel, Tobias Hobbins at Tobias.Hobbins@OEB.ca and Stephanie Pope at Stephanie.Pope@OEB.ca.

Email: registrar@OEB.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **May 14, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
LIST OF PARTIES
REVIEW OF MODEL FRANCHISE AGREEMENT
EB-2026-0009
MAY 14, 2026

**Ontario Energy Board
Generic Proceeding to Review the 2000 Model Franchise Agreement
EB-2026-0009**

LIST OF INTERVENORS

May 14, 2026

INTERVENORS

Rep. and Contact Information for Service

**Building Owners and
Managers Association,
Greater Toronto**

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**Ontario Energy Board
Generic Proceeding to Review the 2000 Model Franchise Agreement
EB-2026-0009**

LIST OF INTERVENORS

May 14, 2026

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LIST OF INTERVENORS

May 14, 2026

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Chatham-Kent**

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May 14, 2026

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**The Corporation of the City
of Guelph**

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