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May 29, 2026

**DELIVERED VIA EMAIL:** [registrar@oeb.ca](mailto:registrar@oeb.ca) **AND RESS**

Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E2

Attention: Ritchie Murray, Acting Registrar

**RE: Generic Review of the Model Franchise Agreement for Natural Gas  
OEB File No.: EB-2026-0009**

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I am writing on behalf of The Regional Municipality of Waterloo (RMOW) and making submissions regarding the Ontario Energy Board's (OEB) Draft Issues List as outlined on page 10 of Procedural Order No. 1 (PO No. 1). The RMOW respectfully submits the following proposed additional issues for the OEB's consideration:

1. **PROPOSED ISSUE:** Expand the definition of "highway" to ensure that all parts of the right of way are captured.
  - **REASONING:** Clarify the definition of "highway" to include the entire right of way, including but not limited to active transportation facilities (e.g. multi-use pathways, cycle tracks, shouldering, ditching, grading and sidewalks). RMOW staff have often had differences of opinions with gas companies as to exactly what constitutes the "highway". To avoid such disputes in the future, the RMOW respectfully submits that the Model Franchise Agreement (MFA) would benefit greatly in clarifying exactly what is and isn't included in this definition.
2. **PROPOSED ISSUE:** Include a requirement that the municipality be provided with as-built CAD drawings in UTM NAD83 Zone 17 co-ordinate system in s. 6 of the MFA.
  - **REASONING:** A requirement for gas companies providing the municipalities accurate drawings in CAD drawing in UTM NAD83 Zone 17 co-ordinate system format would greatly assist municipalities to accurately integrate this gas infrastructure information into the municipality's GIS asset system in the form of as-built drawings.

3. **PROPOSED ISSUE:** Add clarification that “project engineering and project administrative costs” listed in s. 12(c)(v) of the MFA are limited to actual cost incurred.

- **REASONING:** To reduce financial exposure of the municipality, clarify that “project engineering and project administrative costs” listed in s. 12(c)(v) are limited to actual costs incurred. Section 12(c)(v) allows the gas company to charge 22.5% of the total relocation costs that are a result of the relocation of the infrastructure, to compensate them for “project engineering and project administration”. RMOW respectfully submits that these costs are not reflective of actual costs incurred. In comparison, other non-gas utility companies in the absence of a written agreement being entered into between a utility company and the municipality, are by default governed by the *Public Service Works on Highways Act* (PSWHA) for cost sharing for works done in the municipality’s right of way. The PSWHA only covers labour, and labour-saving devices at the construction phase, and design engineering costs are 0%. 22.5% for engineering and administrative costs, as currently stated in the MFA, seem excessive and unduly burdensome on taxpayers. The Region respectfully submits such costs should be based on actual proven costs rather than a flat percentage, and be more in line with the provisions of the PSWHA.

4. **PROPOSED ISSUE:** Change the trigger date in s.18 of the MFA to a later date that the gas company is required to alter or relocate its infrastructure at its sole expense.

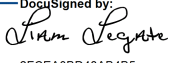
- **REASONING:** Originally, in the MFA, January 1, 1981 was the trigger date for when gas company infrastructure older than that date is required to be removed or relocated, the gas company would be 100% responsible for all such removal/relocation costs. The RMOW respectfully submits that this date should be adjusted proportionally (i.e. by approximately 20 years) for the current MFA to reflect the passage of time and the original intention of this paragraph to have the gas company be 100% responsible for costs of ageing infrastructure that has passed its useful life. Additionally, the Region also respectfully submits that this matter directly relates to the cost sharing issues of s.12 and s.15 that have already been included in PO No. 1’s Draft Issues List.

5. **PROPOSED ISSUE:** Add a provision to the MFA to address the standards for the timing and number of gas company infrastructure locates and exposures required for a municipal project together with a fair and equitable cost-sharing to reflect the timing and nature of the municipal works.

- **REASONING:** While a request to provide locates and/or expose gas pipelines by gas companies is reasonable, the number and extent of these requests are not always reflective of the nature or extent of the municipal project construction. The RMOW has recently incurred hundreds of thousands of dollars in costs to expose a gas company’s infrastructure for a RMOW road project comprised of

surface level works. The RMOW respectfully submits that guiding parameters for these requests by a gas company should be clarified by the OEB for cost certainty for all parties involved and to ensure that this cost is not an undue burden to the municipal taxpayer.

Sincerely,

DocuSigned by:  


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Liam Legate, Solicitor (Corporate)

Cc: all intervenors via email