Ontario Energy Board | Commission de l'énergie de l'Ontario

BY EMAIL

July 27, 2026

Ritchie Murray
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ritchie Murray:

Re: Ontario Energy Board (OEB) Staff Submission
EPCOR Natural Gas Limited Partnership (EPCOR)
Application for the transfer of a Certificate of Public Convenience and Necessity within Norfolk County
OEB File Number: EB-2026-0147

Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 1.

Yours truly,

Natalya Plummer

Digitally signed by Natalya Plummer
Date: 2026.07.27 15:55:58 -04'00'

Natalya Plummer
Advisor, Natural Gas

Encl.

cc: All parties in EB-2026-0147



ONTARIO ENERGY BOARD

OEB Staff Submission

EPCOR Natural Gas Limited Partnership

Application for the Transfer of a Certificate of Public Convenience and Necessity within Norfolk County

EB-2026-0147

July 27, 2026

Introduction

On April 9, 2026, the Ontario Energy Board (OEB) granted a Certificate of Public Convenience and Necessity (certificate) to Clearbeach Resources Inc. (Clearbeach) authorizing it to construct a pipeline to provide additional volumes of natural gas to EZ Grow Farms Ltd (EZ Grow).[1] The certificate covers the land known as Concession 7 - North Part of Lot 2 in the former Township of Walsingham, County of Norfolk.

On May 5, 2026, EPCOR Natural Gas Limited Partnership (EPCOR) filed an application requesting an order granting leave to transfer the certificate from Clearbeach to EPCOR.[2] As further explained below, OEB staff submits that the OEB could grant leave to transfer the certificate, subject to certain conditions and assumptions regarding the sale of the pipeline.

EPCOR's Limited Certificate Proceeding

In a prior limited certificate proceeding[3], EPCOR applied for an order granting a geographically limited certificate in Norfolk County to construct works that would provide additional gas volumes to EZ Grow's greenhouse facility. In that proceeding, EPCOR explained that it was unable to meet the additional volumes of natural gas required by the EZ Grow greenhouse facility that it served in Norfolk County.[4] However, during the interrogatory phase of that proceeding, EPCOR advised that the pipeline had already been constructed by Clearbeach, who is also the owner of the pipeline.[5]

In its November 6, 2025, decision, the OEB determined that it would not issue a certificate to EPCOR as requested in its application because EPCOR neither constructed nor owned the pipeline for which the certificate was required. Instead, the OEB determined that it would issue a certificate to Clearbeach provided that certain information was filed with the OEB.[6] Clearbeach filed the requisite documentation and the OEB issued an Order on April 9, 2026, granting a limited certificate to Clearbeach for the lands known as Concession 7 - North Part of Lot 2 in the former Township of Walsingham, County of Norfolk.

Current Certificate Transfer Proceeding

EPCOR now requests an order from the OEB granting leave to transfer Clearbeach's certificate to EPCOR under section 18(1) of the OEB Act. EPCOR states that the preferred outcome is for EPCOR to be assigned Clearbeach's certificate as EPCOR is

[1] EB-2024-0239, Order, April 9, 2026
[2] EB-2026-0147, Application
[3] EB-2024-0239
[4] EB-2024-0239, Application, p. 4
[5] EB-2024-0239, Decision and Order, November 6, 2025, p. 7
[6] Ibid, p. 10

the regulated distributor providing gas to EZ Grow. EPCOR notes that Clearbeach is aligned with this outcome and included a letter of support from Clearbeach in its application.

EPCOR also notes that the transfer of the certificate will ensure that EZ Grow is afforded treatment consistent with EPCOR's broader asset management practices, including maintenance, operation and oversight. EPCOR also states that ownership of the pipeline is aligned with the outcome of its 2024 cost of service application where the pipeline was included in its approved rate base.[7]

OEB Staff Submission

For the reasons that follow, OEB staff submits that the OEB can approve EPCOR's application, subject to certain conditions and assumptions outlined below.

A. Prior Certificate Proceedings

OEB staff notes that in prior certificate proceedings, the OEB has found that section 18 of the *Ontario Energy Board Act, 1998* (OEB Act) is the appropriate section for the purpose of authorizing the transfer of a certificate.[8] The OEB has also suggested the same in EPCOR's prior limited certificate application:

> If Clearbeach proceeds to sell the pipeline to EPCOR, the certificate granted in this application will not automatically transfer as part of that commercial transaction. Rather, an application should be filed with the OEB to request leave to transfer Clearbeach's certificate to EPCOR under section 18 of the OEB Act.[9]

In that same proceeding, EPCOR explained that it had an Asset Purchase Agreement with Clearbeach in which Clearbeach would retain ownership of the pipeline until the asset is transferred upon the grant of a certificate to EPCOR.[10]

B. Factual Deficiencies

OEB staff notes that EPCOR's current application does not contemplate or reference a purchase, sale or transfer of the pipeline asset related to Clearbeach's certificate. It is not clear from the record of the current proceeding whether EPCOR still intends to purchase the pipeline asset that underlies the Clearbeach certificate.

[7] EB-2026-0147, Application, p. 3, citing to EB-2024-0130
[8] EB-2018-0247, Decision and Order, November 29, 2018 p. 8
[9] EB-2024-0239, Decision and Order, November 6, 2025, p. 12

[10] EB-2024-0239, EPCOR Response to OEB Panel Question 3, June 12, 2025

OEB staff encourages EPCOR to make its intention clear regarding the current and future ownership of the pipeline assets associated with the Clearbeach certificate in order to clarify the record and assist the OEB in rendering a decision on EPCOR's current application.

C. Certificate Transfer

It is OEB staff's view that a certificate should be held by the owner of the asset. OEB staff does not believe that the asset's inclusion in EPCOR's rate base (or any of the other reasons cited in EPCOR's current application) forms a sufficient basis to establish ownership that would warrant a transfer of the certificate from Clearbeach to EPCOR.

However, on the assumption that EPCOR intends to purchase the pipeline from Clearbeach, OEB staff would be supportive of a transfer of the certificate under section 18(1) of the OEB Act. Specifically, OEB staff propose that the OEB issue a certificate to EPCOR that would take effect once the asset is transferred from Clearbeach to EPCOR. Support for this position would require additional information and evidence from EPCOR to clarify and supplement the existing record as noted in section B of this staff submission.

~All of which is respectfully submitted~