



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

---

# DECISION AND ORDER

## EB-2024-0175

### ENBRIDGE GAS INC.

Application for a Certificate of Public Convenience and Necessity  
for the City of Niagara Falls

By Delegation, before: **Theodore Antonopoulos**  
**Vice President**  
Major Applications

---

**August 22, 2024**

## 1 OVERVIEW

This Decision and Order of the Ontario Energy Board (OEB) approves an application filed by Enbridge Gas Inc. (Enbridge Gas) for a certificate of public convenience and necessity (certificate) for the City of Niagara Falls.

---

## 2 CONTEXT AND PROCESS

Enbridge Gas filed an application with the OEB on May 14, 2024, under section 8 of the *Municipal Franchises Act*, for an order approving a new certificate of public convenience and necessity to construct works to supply natural gas in the City of Niagara Falls.

The OEB held a written hearing. A notice of hearing was published in local newspapers between June 7, 2024, to June 13, 2024. The notice of hearing was also posted on Enbridge Gas's website. No persons sought to become intervenors or otherwise participate in the proceeding.

In this Decision and Order, a reference to the City of Niagara Falls is a reference to the municipal corporation or its geographical area, as the context requires.

---

### 3 APPLICATION

Enbridge Gas is a corporation incorporated under the laws of the Province of Ontario, with its head office in the City of Toronto.

The City of Niagara Falls is a municipal corporation incorporated under the laws of the Province of Ontario. It is a lower-tier municipality located in the Regional Municipality of Niagara. The City of Niagara Falls was formed in 1970 through the amalgamation of the former City of Niagara Falls, the former Village of Chippawa, the former Township of Crowland, portions of the former Township of Willoughby, and the former Township of Humberstone.

Enbridge Gas is authorized to serve the entire geographic area of the City of Niagara Falls through an existing certificate in the name of its legacy municipalities, and which covers different parts of the City of Niagara Falls as it is currently constituted.<sup>1</sup> As such, Enbridge Gas does not have a certificate in respect of the City of Niagara Falls that is aligned with its municipal boundaries.

Additionally, Enbridge Gas requests an order of the OEB for a new certificate to construct works to supply natural gas in the City of Niagara Falls as it is currently constituted. Enbridge Gas requests that such order also cancel those parts of its existing certificate relating to the geographic area of the City of Niagara Falls as set out in the certificate issued in the name of its legacy municipalities.<sup>2</sup>

Enbridge Gas notes that, if the application is granted, there will be no change to its overall certificate rights in the geographic area currently constituted as the City of Niagara Falls, given that Enbridge Gas currently holds certificate rights in the names of the former municipalities that have been amalgamated into the City of Niagara Falls. Enbridge Gas states that it is not aware of any other person holding a certificate for the City of Niagara Falls.

---

<sup>1</sup> E.B.C. 58, dated July 25, 1967.

<sup>2</sup> The OEB notes that Enbridge Gas has also filed applications for new certificates that will cancel and supersede its authorizations as set out in E.B.C. 58 for the Town of Lincoln, the City of St. Catharines, the Town of Pelham, the City of Welland and the Town of Niagara-on-the-Lake but that E.B.C. 58 remains in effect for the Township of Wainfleet given that there have not been any annexations or any name changes to the Township of Wainfleet since the certificate was issued.

---

## 4 FINDINGS

I find that it is in the public interest to approve Enbridge Gas's application for a certificate for the City of Niagara Falls. Enbridge Gas has been serving the City of Niagara Falls under a certificate that references the legacy municipalities that preceded the formation of the City of Niagara Falls. The issuance of a new certificate in the name of the City of Niagara Falls, and that is geographically aligned with its municipal borders, is consistent with the intent of the OEB that certificate holders update service areas if boundaries of their existing certificate(s) are affected by municipal amalgamations, annexations, or name changes.<sup>3</sup> Enbridge Gas filed a complete application and provided notice of the hearing in the manner instructed by the OEB. I note that no party intervened or otherwise objected to the application.

A new certificate, attached as Schedule A to this Decision and Order, is granted to Enbridge Gas for the City of Niagara Falls. The new certificate supersedes Enbridge Gas's prior certificate authorizations for the former City of Niagara Falls, the former Village of Chippawa, the former Township of Crowland, those parts of the former Township of Willoughby that were amalgamated into the City of Niagara Falls, and the former Township of Humberstone, which are hereby cancelled. I also note that there are no other natural gas distributors operating within the City of Niagara Falls.

---

<sup>3</sup> Report of the Ontario Energy Board, "Natural Gas Facilities Handbook", EB-2022-0081, March 31, 2022

---

## 5 ORDER

### IT IS ORDERED THAT:

1. A certificate of public convenience and necessity, attached as Schedule A, is granted to Enbridge Gas Inc. to construct works or supply natural gas in the City of Niagara Falls. A current map of the City of Niagara Falls is attached as Schedule B.
2. This certificate of public convenience and necessity supersedes those parts of E.B.C. 58 relating to the former City of Niagara Falls, the former Village of Chippawa, the former Township of Crowland, those parts of the former Township of Willoughby that were amalgamated into the City of Niagara Falls, and the former Township of Humberstone, which are hereby cancelled.
3. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at, Toronto, August 22, 2024

**ONTARIO ENERGY BOARD**

**Theodore Antonopoulos**

Vice President

Major Applications

**SCHEDULE A**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**  
**ENBRIDGE GAS INC.**  
**EB-2024-0175**  
**AUGUST 22, 2024**

**EB-2024-0175**

## **Certificate of Public Convenience and Necessity**

The Ontario Energy Board grants

### **Enbridge Gas Inc.**

approval under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to construct works to supply natural gas in the

### **City of Niagara Falls**

as it is constituted on the date of this Decision and Order.

This certificate of public convenience and necessity cancels and supersedes those parts of E.B.C. 58 relating to the former City of Niagara Falls, the former Village of Chippawa, the former Township of Crowland, the former Township of Humberstone, and those portions of the former Township of Willoughby amalgamated into the City of Niagara Falls.

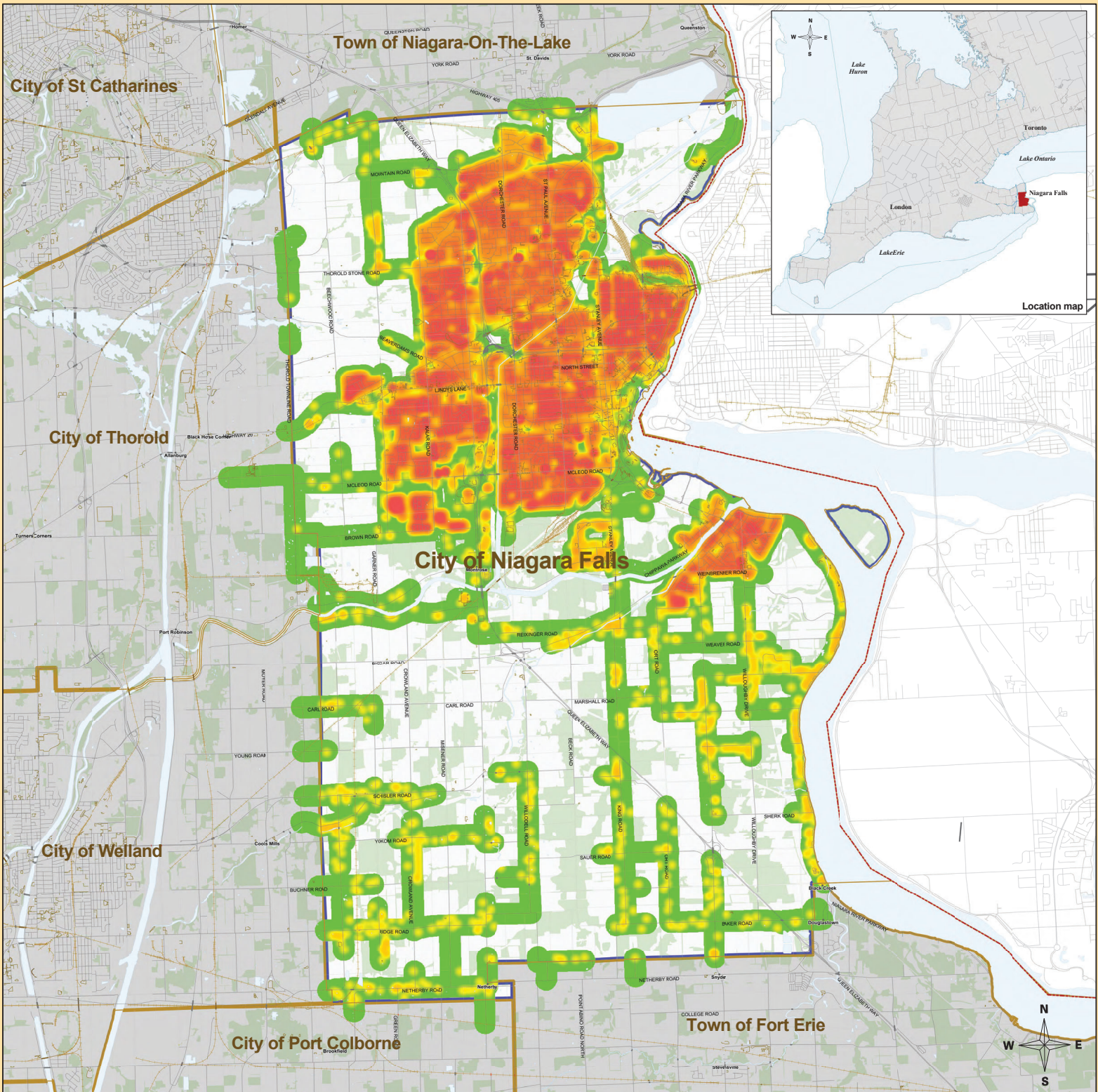
**DATED** at Toronto, August 22, 2024

**ONTARIO ENERGY BOARD**

Theodore Antonopoulos  
Vice President  
Major Applications



**SCHEDULE B**  
**MAP OF THE CITY OF NIAGARA FALLS**  
**ENBRIDGE GAS INC.**  
**EB-2024-0175**  
**AUGUST 22, 2024**



### City of Niagara Falls

- Legend**
- Enbridge Gas Pipeline Coverage Area
  - City of Niagara Falls
  - Roads
  - Railways
  - Municipal and Township Boundaries
  - First Nation Boundaries



**Disclaimer:**  
 The map is provided with no warranty express or implied and is subject to change at any time. Any Person using the Density Map shall do so at its own Risk and the Density Map is not intended in any way as a tool to locate underground infrastructure for the purposes of excavation

