

DELEGATED POWERS AND DUTIES – FACILITIES

Item	Power or Duty	Legislative Provision
1	To make determinations in respect of non-complex applications for leave to construct a hydrocarbon line or station or an electricity transmission line including the power to approve the form of agreement that the applicant has offered or will offer to each owner of land affected by the approved route or location. Non-complex applications are those where none of the circumstances set out below exists.	Sections 90, 91, 96 and 97 of the OEB Act
2	To determine whether a proposed change to a project approved in an order for leave to construct a hydrocarbon pipeline or an electricity transmission line is material and, if the proposed change is not material, to determine whether to approve it and if necessary to vary the order. If the proposed change is material, the employee must inform the Chief Commissioner, who may appoint a panel of Commissioners to deal with the request.	Sections 90, 91 and 92 of the Act and any applicable condition of approval in an order for leave to construct
3	To determine whether a proposed change to a project exempted from the requirements of section 90 or 92 of the Act by way of an order under section 95 is material and, if the proposed change is not material, to determine whether to approve it and if necessary to vary the order. If the proposed change is material, the employee must inform the Chief Commissioner, who may appoint a panel of Commissioners to deal with the request.	Section 95 of the Act and any applicable condition in an order under section 95
4	To issue reports on applications for the granting of licences relating to wells in designated gas storage areas referred to the OEB by the Minister of Natural Resources, where both of the following conditions are met: <ul style="list-style-type: none"> a) the licence applicant already has authority to store gas in the designated gas storage area; and b) there are no special circumstances that require a hearing, as determined by the employee based on the factors set out below 	Section 40 of the Act
5	To exercise the powers and duties of the OEB under the <i>Municipal Franchises Act</i> in respect of certificates of public convenience and necessity, gas franchise by-laws, and the renewal or extension of gas franchises	Sections 8, 9 and 10 of the <i>Municipal Franchises Act</i>

CONDITIONS AND RESTRICTIONS

1. A secondary delegated employee may only exercise a delegated power or duty if assigned a matter by the primary delegated employee.
2. Where a power or duty is delegated to an employee, the delegation includes any incidental powers and duties that a panel of Commissioners would have in exercising the power or duty if the power or duty were not delegated.
3. Where an application to the OEB requests a determination falling under a power or duty delegated to an employee and a determination under a power or duty that has not been delegated, the application will be dealt with in its entirety by a panel of Commissioners assigned by the Chief Commissioner.
4. Except where prohibited by the Act or another statute, the powers and duties delegated to an employee may be exercised on the employee's own motion.
5. Where a conflict exists between two or more delegations of the same power or duty, the most recent delegation prevails to the extent of the conflict.
6. This delegation is intended to facilitate the processing of matters that do not raise significant factual, legal or policy issues. If the delegated employee is of the opinion that, or is uncertain whether, a matter raises significant factual, legal or policy issues, the employee must inform the Chief Commissioner of the nature of the matter before making an order or determination, who may appoint a panel of Commissioners to deal with the matter.
7. Where an application for a certificate of public convenience and necessity under the *Municipal Franchises Act* is contested by another person, the delegated employee must inform the Chief Commissioner of the application before making an order or determination, who may appoint a panel of Commissioners to deal with the matter.

APPLICATIONS FOR LEAVE TO CONSTRUCT – EXCLUSIONS FROM THE DELEGATION

An application for leave to construct where any of the following circumstances exists is to be decided by a panel of Commissioners. Where the delegated employee is uncertain whether any of the following circumstances exists, the employee must advise the Chief Commissioner who will determine if a panel of Commissioners will be assigned.

In addition, if the delegated employee is of the opinion that, or is uncertain whether, an application for leave to construct would be best suited to being determined by way of an oral hearing, or additions or revisions to the standard issues list for leave to construct applications are required, the employee must advise the Chief Commissioner who will determine if a panel of Commissioners will be assigned.

Part I: Applications for Leave to Construct a Hydrocarbon Pipeline or Station

Item	Circumstance
1	The application includes an application under one or more of: <ul style="list-style-type: none"> • section 36 of the Act (natural gas rates) • section 98 of the Act (entry onto land) • section 99 of the Act (expropriation) • section 101 of the Act (construction of work upon, under or over a highway, utility line or ditch)
2	The application is subject to another party's expression of interest in serving an unserved area proposed to be served by the applicant, filed by that other party pursuant to the OEB's competitive process in respect of natural gas expansion
3	The application pertains to facilities in respect of which rate protection is available under section 36.2 of the Act, other than facilities that were listed in Schedule 1 of O. Reg. 24/19 (Expansion of Natural Gas Distribution Systems) on July 1, 2019 or in Schedule 2 of the Regulation on June 8, 2021
4	There are no issues concerning the adequacy of Indigenous consultation
5	An owner of land affected by the proposed route or location of the project objects to the project or the form of agreement under section 97 of the Act
6	The project is one phase of a broader or multi-phase project

Part II: Applications for Leave to Construct an Electricity Transmission Line

Item	Circumstance
1	The application includes an application under one or more of: <ul style="list-style-type: none">• section 78 of the Act (electricity rates)• section 98 of the Act (entry onto land)• section 99 of the Act (expropriation)• section 101 of the Act (construction of work upon, under or over a highway, utility line or ditch)
2	The application relates to a greenfield project
3	The project requires a capital contribution or involves a complex economic evaluation or contestable connection procedure
4	An owner of land affected by the proposed route or location of the project objects to the project or the form of agreement under section 97 of the Act
5	The project is one phase of a broader or multi-phase project
6	If approved, the project would result in significant changes to the existing “look” of the transmission line (e.g., changing from wood poles to steel structure or overhead lines to cables)
7	If approved, the project would result in a change to the line voltage
8	There is no approved environmental assessment stipulating the route that the project must take

FACTORS TO DETERMINE "NO SPECIAL CIRCUMSTANCES" IN RESPECT OF APPLICATIONS FOR A WELL LICENCE

The delegated employee may issue a report under section 40 of the Act only if all of the following factors apply to an application for a well licence made by a person who already has authority to store gas in the designated gas storage area; if any of the factors do not apply, the employee must inform the Chief Commissioner of the application, who may appoint a panel of Commissioners to deal with the matter.

Item	Factor	Evaluation Criteria
1	Leave to Construct Approval	Either (a) there is no requirement for leave to construct under section 90 of the Act, or (b) any associated leave to construct application is also being determined under delegated authority
2	Service Disruption	The proposal will not interrupt service to the applicant's customers
3	Operating Materiality	The proposal will not result in changes to storage pool operating pressures previously approved by the OEB
4	Environmental Impacts	The Environmental Screening reveals no unusual environmental concerns, and any environmental impacts can be mitigated using standard practices
5	Land Use Requirements	There are no unresolved land matters because any one or more of the following is true in respect of each affected landowner: <ul style="list-style-type: none"> a) Any required land has been purchased b) An easement agreement is in place c) The affected landowner has indicated support for the project
6	Ministry of Natural Resources and Forestry (MNRF) Regulatory Compliance	All of the relevant requirements under CSA Z341 "Storage of Hydrocarbons in Underground Formations", the <i>Oil, Salt and Gas Resources Act</i> and related regulations, have been fulfilled to the satisfaction of the MNRF or the licence applicant asserts in the application that they will be
7	Indigenous Consultation	There are no issues concerning the adequacy of Indigenous consultation