

**THE PROVINCE OF ALBERTA**

**MUNICIPAL GOVERNMENT ACT**

**ALBERTA ENERGY AND UTILITIES BOARD**

IN THE MATTER of a Franchise  
Agreement between the  
Town of Fox Creek and  
ATCO Gas and Pipelines Ltd.

**ORDER U2001-094**

Application No. 2001004  
File No. 6675-F9

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The Town of Fox Creek (the Town) filed an application with the Alberta Energy and Utilities Board (the EUB) for approval to renew its special franchise agreement with ATCO Gas and Pipelines Ltd. (ATCO Gas) for a period of 10 years in accordance with the terms of a natural gas Franchise Agreement (the Renewal Agreement) which is attached as Schedule "A" to this Order.

The EUB notes that the Renewal Agreement includes a change in the calculation of the franchise fee from 4.17 per cent of the gross revenue of ATCO Gas derived from the sale of natural gas to its customers within the Town to 12.93 per cent of the revenue of ATCO Gas derived only from the non-gas portion of its customers' bills within the Town.

Notice of the application was published and no objections were received.

The EUB considers that the privilege or franchise contained in the Renewal Agreement is necessary and proper for the public convenience and properly conserves the public interests. The EUB notes that the Town and ATCO Gas have given the EUB consent to proceed with the application without a hearing.

Therefore, the Alberta Energy and Utilities Board, pursuant to section 45 of the *Municipal Government Act*, S.A. 1994, c. M-26.1, hereby orders as follows:

1. Application No. 2001004 by the Town of Fox Creek dated January 29, 2001 is approved, subject to the terms and conditions herein contained.
2. The Town of Fox Creek shall file with the Alberta Energy and Utilities Board a copy of the By-law No. 577-2001 after third reading; and a copy of the executed Renewal Agreement.

DATED at the City of Edmonton, in the Province of Alberta, on April 30, 2001.

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**SCHEDULE AA<sup>e</sup>**