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RP-2003-0175

EB-2003-0216

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IN THE MATTER OF the *Municipal Franchises Act, R.S.O.*,
1990, c. M.55, as amended;

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AND IN THE MATTER OF an application by Union Gas
Limited for an order approving the terms and conditions upon
which County of Prince Edward is by by-law to grant Union
Gas Limited the right to construct and operate works for the
distribution of gas; the right to extend and add to the works;
and the period for which such rights are granted;

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AND IN THE MATTER OF an application by Union Gas
Limited for an order dispensing with the assent of the
municipal electors of the County of Prince Edward regarding
the by-law.

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By delegation, before: Mark C. Garner

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DECISION AND ORDER

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Union Gas Limited filed an application dated July 11, 2003 with the Ontario Energy Board under the *Municipal Franchises Act, R.S.O.* 1990, c. M.55 for an order of the Board approving the terms and conditions upon which and the period for which the County of Prince Edward (the “Corporation”) is by by-law to grant to Union Gas Limited the right to construct and operate works for the distribution of gas, and the right to extend and add to the works in the County of Prince Edward (the “Municipality”). Union Gas Limited also applied for an order of the Board declaring and directing that the assent of the electors of the County of Prince Edward to the by-law is not necessary. The Board assigned File No. RP-2003-0175/EB-2003-0216 to this application.

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Union Gas Limited submitted a resolution passed by the Council of the Corporation, approving the draft by-law and requesting the Board to declare and direct that the assent of the municipal electors to the by-law is not necessary.

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The Board’s Notice of Application was published on August 8, 2003. Notice of Written Hearing was issued on September 18, 2003. There were no intervenors.

Union Gas Limited is presently serving the Municipality and holds Certificates of Public Convenience and Necessity as follows: Town of Picton (EBC 124), Village of Bloomfield (EBC 124), Village of Wellington (EBC 124), Township of Ameliasburgh (FBC 269), Township of Athol (FBC 269), Township of Hallowell (FBC 269 and EBC 124), Township of Hillier (FBC 269), Township of North Marysburgh (FBC 269), Township of South Marysburgh (FBC 269) and Township of Sophiasburgh (FBC 269). The proposed franchise agreement is in the form of the 2000 Model Franchise Agreement approved by the Board as a standard form of franchise agreement.

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Based on the information provided in the application, granting the application is in the public interest. Further, in all the circumstances, the assent of the municipal electors can properly be dispensed with.

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IT IS ORDERED THAT:

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1 The terms and conditions upon which, and the period for which, the County of Prince Edward is, by by-law, to grant to Union Gas Limited the right to construct and operate works for the distribution of gas, and the right to extend and add to the works, as set out in the franchise agreement attached as Appendix A, are approved.

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2 The assent of the municipal electors of the County of Prince Edward to the by-law is not necessary.

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DATED at Toronto, October 17, 2003.

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ONTARIO ENERGY BOARD

Paul B. Pudge
Assistant Secretary

**APPENDIX ' A ' TO
BOARD DECISION AND ORDER
No. RP-2003-0175/EB-2003-0216
DATED October 17, 2003**

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Document is not available electronically, it is available only in public record.

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