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**RP-2002-0159**

**EB-2002-0485**

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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 the Corporation of the Town of Mattawa 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 Town of Mattawa 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 (“Union”) filed an application dated November 20, 2002 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 Corporation of the Town of Mattawa (the “Corporation”) is by by-law to grant to Union Gas the right to construct and operate works for the distribution of gas, and the right to extend and add to the works in the Town of Mattawa (the “Municipality”). Union Gas also applied for an order of the Board declaring and directing that the assent of the electors of Town of Mattawa to the by-law is not necessary. The Board assigned File No. RP-2002-0159/EB-2002-0485 to this application.

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Union 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 April 6, 2003 and November 2, 2003. There were no intervenors.

Union is presently serving the Municipality and holds a Certificate of Public Convenience and Necessity (E.B.C. 125) for the Municipality. The Franchise Agreement (EB-2002-0485) 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 Corporation of the Town of Mattawa 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 Town of Mattawa to the by-law is not necessary.

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**DATED** at Toronto, December 29, 2003.

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ONTARIO ENERGY BOARD

Peter H. O'Dell  
Assistant Secretary

**APPENDIX “A” TO  
BOARD DECISION AND ORDER  
NO. RP-2002-0159/EB-2002-0485**

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Appendix A from this Decision and Order is not currently available in ERF electronic format. To access this documents, please contact the Ontario Energy Board.

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