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**RP-2003-0214**

**EB-2003-0267**

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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 the Corporation of the United Counties of Leeds and Grenville 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 United Counties of Leeds and Grenville 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 Gas”) filed an application dated September 15, 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 United Counties of Leeds and Grenville (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 United Counties of Leeds and Grenville (the “Municipality”). Union Gas also applied for an order of the Board declaring and directing that the assent of the electors of the United Counties of Leeds and Grenville to the by-law is not necessary. The Board assigned File No. RP-2003-0214/EB-2003-0267 to this application.

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Union Gas 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 and Written Hearing was published on November 7, 2003. There were no intervenors.

Union Gas is presently serving the Corporation of the United Counties of Leeds and Grenville under the authority of Certificates of Public Convenience and Necessity for municipalities within the boundary of the United Counties of Leeds and Grenville (F.B.C. 47, F.B.C. 54, F.B.C. 69, F.B.C. 78, F.B.C. 119). Union Gas' franchise agreement with the Corporation expires on October 30, 2004. Enbridge Gas Distribution Inc. is also presently serving parts of the Municipality and holds Certificates of Public Convenience and Necessity for some of the municipalities of the United Counties of Leeds and Grenville, but does not object to the continued service by Union Gas where Enbridge Gas Distribution Inc. holds Certificates. 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 United Counties of Leeds and Grenville 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 United Counties of Leeds and Grenville to the by-law is not necessary.

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**DATED** at Toronto, December 10, 2003.

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ONTARIO ENERGY BOARD

Peter H. O'Dell  
Assistant Secretary

**APPENDIX “A” TO  
BOARD DECISION AND ORDER  
NO. RP-2003-0214/EB-2003-0267**

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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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