



RP-2003-0221

EB-2003-0279

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

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for an order seeking interim renewal to preserve its franchise rights in the Regional Municipality of Durham.

By delegation, before: Mark C. Garner

INTERIM ORDER

Enbridge Gas Distribution Inc. filed an application dated October 27, 2003 with the Ontario Energy Board under the *Municipal Franchises Act* R.S.O. 1990, c. M. 55, for an order approving the terms and conditions upon which and the period for which Enbridge is to be granted the right to construct and operate works and the right to extend and add to the works for the distribution of gas in the Regional Municipality of Durham. The Board assigned the application File No. RP-2003-0221/EB-2003-0278.

Enbridge also filed an application October 27, 2003, under subsection 10(4) of the Act, for an order of the Board extending Enbridge's previously approved franchise rights in the Regional Municipality. The Board has assigned this application for interim franchise approval File No. RP-2003-0221/EB-2003-0279.

Enbridge had previously entered into a franchise agreement with the Regional Municipality of Durham (E.B.A. 411). The franchise agreement between Enbridge and the Corporation of the Regional Municipality of Durham dated April 29, 1983, expired on April 29, 2003.

Enbridge has Certificates of Public Convenience and Necessity for the City of Oshawa (E.B.C. 120), City of Pickering (F.B.C.10), Municipality of Clarington (E.B.C. 103), Town of Ajax (F.B.C. 75), Town of Whitby (E.B.C. 121), Township of Brock (F.B.C. 154), Township of Scugog (E.B.C. 93, E.B.C. 93, E.B.C. 94, and the Township of Uxbridge (F.B.C. 161).

Enbridge has indicated its desire to renew the franchise agreement. At this time there is no resolution between Enbridge and the Corporation of the Regional Municipality of Durham on the terms and conditions of the franchise agreement.

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Enbridge has provided the Board with evidence of the consent of the Municipality to this interim extension of the previously approved franchise rights until the Board disposes of the application.

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I find that it is in the public interest to extend the franchise rights on an interim basis until an agreement between the parties for a long-term franchise may be reviewed by the Board and the matter disposed of.

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IT IS THEREFORE ORDERED THAT:

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- 1 The right of Enbridge Gas Distribution Inc. to construct and operate works and to extend and add to the works for the distribution of gas in the Regional Municipality of Durham is renewed on the terms and conditions set out in the franchise agreement between The Consumers' Gas Company Ltd. and the Corporation of the Regional Municipality of Durham dated April 29, 1983 until the Board disposes of the application filed by Enbridge Gas Distribution Inc. for a new franchise agreement.

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DATED at Toronto, March 4, 2004.

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ONTARIO ENERGY BOARD

Peter H. O'Dell
Assistant Secretary