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RP-2003-0244

EB-2003-0305

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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 seeking interim renewal to preserve its franchise rights in the former Township of Kingston.

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By delegation, before: Mark C. Garner

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INTERIM ORDER

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Union Gas Limited filed an application with the Ontario Energy Board dated December 2, 2003 pursuant to the *Municipal Franchises Act* R.S.O. 1990, c. M.55, as amended, for an order approving the terms and conditions upon which and the period for which Union 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 former Township of Kingston (the "Municipality"). The Board assigned this application File No. RP-2003-0244/EB-2003-0304.

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By letter dated December 1, 2003, Union also applied, pursuant to subsection 10(4) of the Act, for an order of the Board extending Union's previously approved franchise rights in the Municipality until July 17, 2004. The Board has assigned this interim application File No. RP-2003-0244/EB-2003-0305.

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Union and the Corporation of the former Township of Kingston entered into a franchise agreement dated January 17, 1989 (E.B.A. 501) which expires on January 17, 2004. Union holds a Certificate of Public Convenience and Necessity in the former Township of Kingston (F.B.C. 62). Effective January 1, 1998, The Corporation of the City of Kingston was incorporated effectively amalgamating the former City of Kingston, the former Township of Pittsburgh and the former Township of Kingston. Although Union has indicated its desire to renew the franchise agreement, at this time there is no agreement between Union and the Corporation of the City of Kingston on the terms and conditions of the franchise agreement.

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The Corporation of the City of Kingston has consented to an extension of Union's franchise rights for a period of six months until July 17, 2004.

I find that it is in the public interest to extend the franchise rights on an interim basis.

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IT IS THEREFORE ORDERED THAT:

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- 1 The right of Union Gas Limited Inc. to construct and operate works and to extend and add to the works for the distribution of gas in the former Township of Kingston is continued on the terms and conditions set out in the franchise agreement between Union Gas Limited and the Corporation of the former Township of Kingston dated January 17, 1989 until the Board disposes of the application or July 17, 2004, whichever is earlier.

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DATED at Toronto, December 16, 2003.

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ONTARIO ENERGY BOARD

Peter H. O'Dell
Assistant Secretary