



RP-2001-0008

EB-2003-0263

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

AND IN THE MATTER OF an application by an applica-
tion by Union Gas Limited for an order seeking interim
renewal to preserve its franchise rights in that part of the
Township of Dawn-Euphemia that was formerly the Town-
ship of Dawn.

By delegation, before: Mark C. Garner

INTERIM ORDER

Union Gas Limited (“Union”) filed an application dated March 5, 2001 with the Ontario Energy Board pursuant to the Municipal Franchises Act, R.S.O. 1990, c. M.55 as amended (the “Act”) 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 that part of the Township of Dawn-Euphemia that was formerly the Township of Dawn (the “Municipality”). The Board has assigned this Application File No. RP-2001-0008\EB-2001-0062.

Union applied by letter dated October 9, 2003, 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 April 30, 2004. The Board has assigned this Application for Interim Approval File No. RP-2001-0008\EB-2003-0263.

Union and the Corporation of the former Township of Dawn entered into a franchise agreement on February 18, 1981 (E.B.A. 160) which has been extended and will expire on October 31, 2003. Effective January 1, 1998 the Township of Dawn and the Township of Euphemia were amalgamated to form the Township of Dawn-Euphemia. Union and the Corporation of the Township of Dawn-Euphemia (the “Corporation”) were unable to reach agreement on the terms and conditions of a renewed franchise agreement. The Board issued a Decision and Order dated July 22, 2003 renewing Union’s right to operate works for the distribution of gas in that portion of the Township of Dawn-Euphemia previously known as the Township of Dawn for a 20 year period based on the terms and conditions of the 2000 Model Franchise Agreement. On August 20, 2003, the Corpora-

tion filed an appeal of the Board's Decision and Order to the Superior Court of Justice, Divisional Court.

Union has Certificates of Public Convenience and Necessity for the Township of Dawn (F.B.C. 192) and the Township of Euphemia (dated October 17, 1935).

Union has provided the Board with proof of consent of the Corporation to this interim extension of the previously approved franchise rights in the Municipality to April 30, 2004.

Based on the information provided in the application, granting the application is in the public interest.

IT IS ORDERED THAT:

1 The right of Union gas Limited to construct and operate works and to extend and add to the works for the distribution of gas in that part of the Township of Dawn-Euphemia that was formerly the Township of Dawn 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 Dawn dated February 18, 1981 until April 30, 2004 or until the matter is disposed of, whichever is earlier.

DATED at Toronto, October 22, 2003.

ONTARIO ENERGY BOARD

Peter H. O'Dell
Assistant Secretary