



EB-2007-0810

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 Union Gas Limited for an order cancelling existing Certificates of Public Convenience and Necessity for certain geographic areas that now form part of the Municipality of Central Elgin and replacing these with a single Certificate of Public Convenience and Necessity.

By delegation, before: Neil McKay

DECISION AND ORDER

Union Gas Limited ("Union") has filed an application on October 12, 2007 with the Ontario Energy Board (the "Board") under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"), for an order of the Board that cancels or supersedes the existing Certificates of Public Convenience and Necessity ("Certificates") associated with the former municipalities within the Municipality of Central Elgin (the "Municipality") and establishes a single Certificate for the areas of the Municipality not covered by any Certificate held by Natural Resource Gas Limited.

The Board has assigned File No. EB-2007-0810 to this application.

On January 31, 1998, the former Township of Yarmouth, the former Village of Port Stanley and the former Village of Belmont were amalgamated to form the Municipality. Union holds a Certificate (F.B.C. 259) for the former Village of Port Stanley. Portions of the former Township of Yarmouth are currently covered by a Certificate (E.B.C. 252) held by Union and other portions are covered by a Certificate (E.B.C. 242) held by

Natural Resource Gas Limited (“NRG”). NRG also holds Certificates E.B.C. 111 and E.B.C. 119 for the former Village of Belmont.

The Board’s Notice of Application and Written Hearing was published on October 27, 2007.

On November 7, 2007, NRG filed a letter with the Board indicating that it wished to review certain documents dealing with franchise areas within the Municipality in order to ascertain whether NRG’s interests are adversely affected by the subject application.

Based on discussions with NRG, on December 19, 2007, Union revised its original application so that it requests a Certificate for all of the amalgamated Municipality of Central Elgin excluding those areas covered by the Certificates currently held by Natural Resource Gas Limited (E.B.C. 242, E.B.C. 111 and E.B.C. 119) as well as the following sections of the Municipality that are not covered by any existing Certificate:

- Concession I - Lots 23 to 28 (inclusive)
- Concession II - Southern Part of Lots 23 to 25
- Concession II - Lots 26, 27 and 28
- Concession III - Lot 26
- Concession III - Part of Lots 27 and 28 south of Catfish Creek
- Concession IV - Part of Lots 26 and 27 south of Catfish Creek
- Range I south of Edgeward Road - Lots 20, 21 and 22
- Range I north of Edgeward Road - Lots 20, 21 and 22
- Range II north of Edgeward Road - Lots 20, 21 and 22
- Concession XIV - Lots 13, 14, 15 and 16
- Concession XV - Lots 14, 15 and 16

NRG advised that it has no objection to Union’s application as amended in its December 19, 2007 letter to the Board.

The Board finds that it is in the public interest to grant the application and that public convenience and necessity requires that approval be given.

IT IS THEREFORE ORDERED THAT:

1. The portion of the Certificate of Public Convenience and Necessity F.B.C. 259 covering the former Village of Port Stanley is superseded by the Certificate attached as Appendix A.

2. The existing Certificate of Public Convenience and Necessity E.B.C. 252 covering the former Township of Yarmouth is cancelled.
3. A Certificate of Public Convenience and Necessity, attached as Appendix A to this Decision and Order, is granted to Union Gas Limited to construct works to supply gas in the Municipality of Central Elgin excluding those areas covered by the Certificates currently held by Natural Resource Gas Limited (E.B.C. 242, E.B.C. 111 and E.B.C. 119) as well as the following sections of the Municipality of Central Elgin that are not covered by any existing Certificate:
 - Concession I - Lots 23 to 28 (inclusive)
 - Concession II - Southern Part of Lots 23 to 25
 - Concession II - Lots 26, 27 and 28
 - Concession III - Lot 26
 - Concession III - Part of Lots 27 and 28 south of Catfish Creek
 - Concession IV - Part of Lots 26 and 27 south of Catfish Creek
 - Range I south of Edgeware Road - Lots 20, 21 and 22
 - Range I north of Edgeware Road - Lots 20, 21 and 22
 - Range II north of Edgeware Road - Lots 20, 21 and 22
 - Concession XIV - Lots 13, 14, 15 and 16
 - Concession XV - Lots 14, 15 and 16

DATED at Toronto, January 14, 2008

ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Facilities Applications

APPENDIX A
TO BOARD DECISION AND ORDER

EB-2007-0810

DATED: January 14, 2008

**Certificate of Public Convenience and Necessity for the
Municipality of Central Elgin**

Certificate of Public Convenience and Necessity

The Ontario Energy Board hereby grants

Union Gas Limited

approval under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to construct works to supply gas to the

Municipality of Central Elgin

excluding those areas covered by the Certificates currently held by Natural Resource Gas Limited (E.B.C. 242, E.B.C. 111 and E.B.C. 119) as well as the following sections of the Municipality of Central Elgin that are not covered by any existing Certificate:

- Concession I - Lots 23 to 28 (inclusive)
- Concession II - Southern Part of Lots 23 to 25
- Concession II - Lots 26, 27 and 28
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- Range I south of Edgeward Road - Lots 20, 21 and 22
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- Concession XIV - Lots 13, 14, 15 and 16
- Concession XV - Lots 14, 15 and 16

This certificate replaces the certificates and portions of certificates currently held by Union Gas Limited that are associated with the former entities that are now within the Municipality of Central Elgin.

DATED at Toronto, January 14, 2008

ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Facilities Applications