



EB-2008-0363

IN THE MATTER OF the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, s.9, as amended;

AND IN THE MATTER OF AND IN THE MATTER OF an application by Union Gas Limited for an order cancelling the existing Certificate of Public Convenience and Necessity (E.B.C. 106) for the Town of Espanola and replacing it with an expanded Certificate of Public Convenience and Necessity to include the former Unincorporated Township of Merritt.

By delegation, before: Neil McKay

DECISION AND ORDER

Union Gas Limited ("Union" or the "Applicant") has filed an application dated November 4, 2008 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 an existing Certificate of Public Convenience and Necessity ("Certificate") for the Town of Espanola and replaces it with an expanded Certificate to include the former Unincorporated Township of Merritt. The Board has assigned file number EB-2008-0363 to this application.

The Board's Notice of Application and Hearing was published on November 17, 2008. There were no intervenors. Union has a Certificate (E.B.C. 106) granting Union the right to construct works to supply natural gas within the Municipality. Effective January 1, 1998 the Unincorporated Township of Merritt was annexed by the Town of Espanola by Minister's Order dated July 4, 1997.

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 Certificate of Public Convenience and Necessity for the Town of Espanola (E.B.C. 106) is cancelled.
2. An 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 Town of Espanola which includes the former Unincorporated Township of Merritt.

DATED at Toronto, January 29, 2009

ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Facilities Applications

APPENDIX A

TO BOARD DECISION AND ORDER

EB-2008-0363

DATED: JANUARY 29, 2009

**Certificate of Public Convenience and Necessity
for the Town of Espanola**

Certificate of Public Convenience and Necessity

The Ontario Energy Board hereby grants

Union Gas Limited

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

Town of Espanola

This Certificate of Public Convenience and Necessity replaces Certificate E.B.C. 106 for the Town of Espanola.

DATED at Toronto, January 29, 2009

ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Facilities Applications