



EB-2009-0068

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 or superseding parts of the existing Certificates of Public Convenience and Necessity for certain geographic areas that now form part of the City of London and replacing these with a single Certificate of Public Convenience and Necessity.

By delegation, before: Neil McKay

DECISION AND ORDER

Union Gas Limited (“Union”) filed an application dated March 2, 2009 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 (“Certificate”) associated with the former municipalities within the City of London (the “Municipality”) and establishes a single Certificate for the areas of the Municipality not covered by any Certificate held by Natural Resource Gas Limited (“NRG”). The Board has assigned File No. EB-2009-0068 to this application.

Union currently holds a franchise agreement (EB-2009-0067) with the Municipality. Union also holds the following Certificates associated with the former municipalities that are now within the Municipality:

- City of London (former) and former Township of London: F.B.C. 270
- Former Township of Westminster: F.B.C. 259

- Former Township of Delaware: P.F.M. 582
- Former Township of West Nissouri: F.B.C. 99

NRG holds a limited Certificate (E.B.C. 111/119) for the former Township of Westminster.

The Board's Notice of Application and Written Hearing was issued on March 24, 2009 and was published as directed by the Board. By a letter to the Board dated April 23, 2009, NRG expressed its interest in participating in the written hearing and forwarded its submission for this proceeding. In its submission, NRG identified some apparent discrepancies in Certificate rights in certain areas of former municipalities that are now within the Municipality. By a letter to the Board dated May 15, 2009, Union provided its comments on NRG's April 23, 2009 submission.

Following the above-noted correspondence, Union and NRG worked together to examine the apparent discrepancies in Certificate rights in an effort to accurately delineate their respective Certificate boundaries. As part of the process, Union completed a revised map of the relevant area, showing the locations of the Union and NRG certificate boundaries and the location of Union and NRG customers in the vicinity of those boundaries. A copy of this map is attached as Appendix A to this Decision and Order. Based on this map and a thorough review of the files related to the previous proceedings which granted Union and NRG Certificate rights in the area, Union identified the following areas that are excluded from Union's proposed Certificate rights, all of which are within the former Township of Westminster, now part of the Municipality:

- W1 - The whole of Lots 5 and 6 in Concession 8.
- W2 - The whole of Lots 5 and 6 in Concession 7.
- W3 - The south halves of Lots 5 and 6 in Concession 6.
- W4 - The north half of Lot 2 and the whole of Lot 3 in Concession 3.
- W5 - Those parts of Lots 3 and 4 in Concession 2 lying south of Highway 401.
- W6 - That part of the east half of Lot 5 in Concession 2 lying south of Highway 401.

In its letter to the Board dated January 20, 2010, NRG advised that it is satisfied that the revised map (Appendix A) and the areas that are to be excluded from Union's Certificate rights (listed above) are correct, and supports Union's Certificate renewal on this basis.

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 existing Certificate of Public Convenience and Necessity F.B.C. 270 for the City of London (former) and former Township of London is cancelled and superseded by the certificate attached as Appendix B to this Decision and Order.
2. The parts of the existing Certificates of Public Convenience and Necessity F.B.C. 259, P.F.M. 582 and F.B.C. 99 related to the areas of former municipalities annexed by the City of London are superseded by the certificate attached as Appendix B to this Decision and Order.
3. A Certificate of Public Convenience and Necessity, attached as Appendix B to this Decision and Order is granted to Union Gas Limited to construct works to supply gas in the City of London excluding those areas covered by Certificate of Public Convenience and Necessity E.B.C. 111/119 held by Natural Resource Gas Limited. The excluded areas are within the former Township of Westminster, now part of the City of London, and are listed below:

W1 - The whole of Lots 5 and 6 in Concession 8.

W2 - The whole of Lots 5 and 6 in Concession 7.

W3 - The south halves of Lots 5 and 6 in Concession 6.

W4 - The north half of Lot 2 and the whole of Lot 3 in Concession 3.

W5 - Those parts of Lots 3 and 4 in Concession 2 lying south of Highway 401.

W6 - That part of the east half of Lot 5 in Concession 2 lying south of Highway 401.

DATED at Toronto, February 4, 2010

ONTARIO ENERGY BOARD

Original Signed By

Neil McKay
Manager, Natural Gas Applications

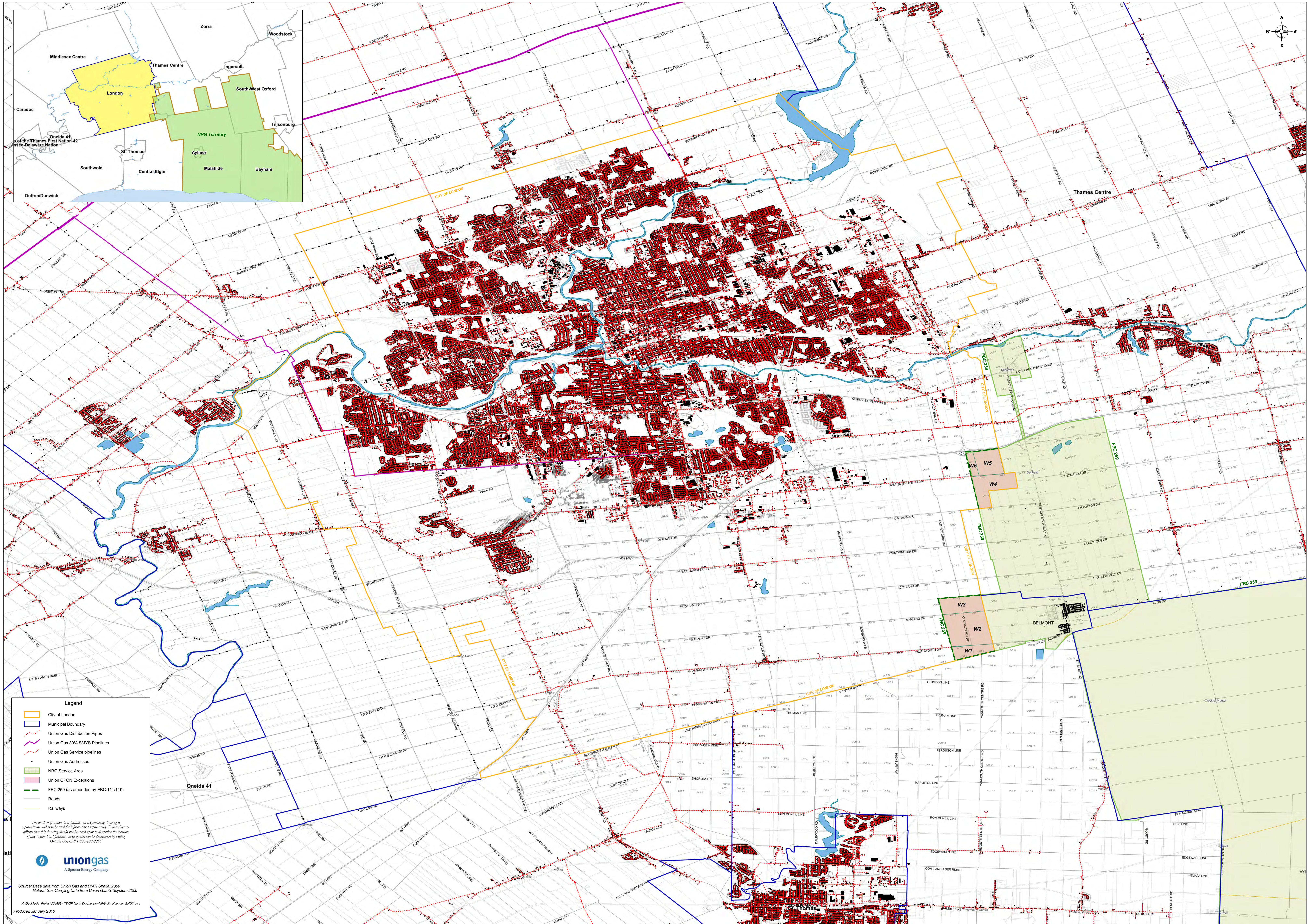
APPENDIX A

TO BOARD DECISION AND ORDER

EB-2009-0068

DATED: February 4, 2010

**Map Showing Certificate of Public Convenience
and Necessity Boundaries in the City of London**



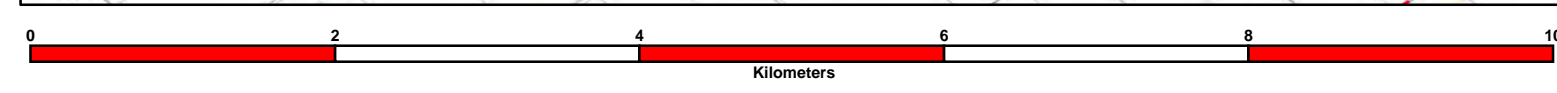
Legend

- City of London
- Municipal Boundary
- Union Gas Distribution Pipes
- Union Gas 30% SMYS Pipelines
- Union Gas Service Pipelines
- Union Gas Addresses
- NRG Service Area
- Union CPCN Exceptions
- FBC 259 (as amended by EBC 111/119)
- Roads
- Railways

The location of Union Gas facilities on the following drawing is approximate and is to be used for information purposes only. Union Gas reserves the right to change the location of any Union Gas facilities, exact location can be determined by calling Ontario One Call 1-800-469-2255

uniongas
A Spectra Energy Company

Source: Base data from Union Gas and DMTI Spatial 2009
Natural Gas Carrying Data from Union Gas GISystem 2009
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Produced January 2010



APPENDIX B

TO BOARD DECISION AND ORDER

EB-2009-0068

DATED: February 4, 2010

**Certificate of Public Convenience and Necessity for
the City of London**

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

City of London

excluding those areas covered by Certificate of Public Convenience and Necessity E.B.C. 111/119 held by Natural Resource Gas Limited. The excluded areas are within the former Township of Westminster, now part of the City of London, and are listed below:

- W1 - The whole of Lots 5 and 6 in Concession 8.
- W2 - The whole of Lots 5 and 6 in Concession 7.
- W3 - The south halves of Lots 5 and 6 in Concession 6.
- W4 - The north half of Lot 2 and the whole of Lot 3 in Concession 3.
- W5 - Those parts of Lots 3 and 4 in Concession 2 lying south of Highway 401.
- W6 - That part of the east half of Lot 5 in Concession 2 lying south of Highway 401.

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 City of London.

DATED at Toronto, February 4, 2010

ONTARIO ENERGY BOARD

Original Signed By

Neil McKay
Manager, Natural Gas Applications