



**EB-2011-0426**

**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 Enbridge Gas Distribution Inc. for an order approving the terms and conditions upon which, and the period for which, the Corporation of the City of Pembroke is, by by-law, to grant to Enbridge Gas Distribution Inc. the right to construct and operate works for the distribution, transmission and storage of natural gas and the right to extend and add to the works in the City of Pembroke;

**AND IN THE MATTER OF** an application by Enbridge Gas Distribution Inc. for an order directing and declaring that the assent of the municipal electors of the City of Pembroke to the by-law is not necessary.

**By delegation, before:** Neil McKay

### **INTERIM DECISION AND ORDER**

Enbridge Gas Distribution Inc. (the "Applicant") filed an application dated December 9, 2011 with the Ontario Energy Board (the "Board") under section 9 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"), for an order of the Board approving the terms and conditions upon which and the period for which the Corporation of the City of Pembroke (the "Corporation") is, by by-law, to grant to the Applicant the right to construct and operate works for the distribution of gas and the right to extend and add to the works in the City of Pembroke (the "Municipality"). The Applicant has also applied for an order of the Board declaring and directing that the assent of the municipal electors to the by-law is not necessary. In addition, the Applicant has requested an order of the Board extending the term of its existing

Municipal Gas Franchise Agreement with the Corporation beyond its expiry date of January 21, 2012 to permit sufficient time to process this application. The Board has assigned file number EB-2011-0426 to the franchise renewal application.

The Applicant also holds a Certificate of Public Convenience and Necessity for the geographical area of the Corporation (F.B.C. 150).

The Board will grant an extension on the existing Municipal Gas Franchise Agreement between the Applicant and the Corporation until such time that the Board makes a final determination on the franchise renewal application.

**IT IS ORDERED THAT:**

1. The Municipal Gas Franchise Agreement between Enbridge Gas Distribution Inc. and the Corporation of the City of Pembroke dated January 21, 1997 is extended until such time that the Board makes a final determination on the franchise renewal application.

**DATED** at Toronto, December 20, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Neil McKay  
Manager, Natural Gas Applications