



EB-2009-0029

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 seeking interim renewal
of its franchise rights in the Town of Innisfil

By delegation, before: Neil McKay

INTERIM ORDER

Enbridge Gas Distribution Inc. ("Enbridge") filed an application dated December 23, 2008 with the Ontario Energy Board (the "Board") under Section 10 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55 (the "Act") requesting an Order for an extension to its existing Franchise Agreement with the Corporation of the Town of Innisfil (the "Municipality"). Board File No. EB-2009-0029 has been assigned to this proceeding.

Enbridge and the Municipality are party to a franchise agreement (E.B.A. 847) which will expire on February 3, 2009. Enbridge also holds two Certificates of Public Convenience and Necessity (E.B.C. 53 and E.B.C. 104) for the geographical area of the Municipality.

The application filed by Enbridge on December 23, 2008 also requested an order of the Board approving the terms and conditions and the period for a franchise agreement with the Municipality, under Section 9 of the *Act*. Enbridge submitted a draft form of resolution to be passed by the Council of the Municipality, approving the form of the draft by-law and requesting that the Board declare and direct that the assent of the municipal electors to the by-law is not necessary. Board File No. EB-2008-0416 has been assigned to this Section 9 proceeding.

In order to ensure franchise coverage for the Town of Innisfil, Enbridge has requested an extension to the existing franchise agreement until July 3, 2009.

The Board finds that, based on the information provided by Enbridge, granting of an interim order extending Enbridge's franchise agreement with the Town of Innisfil is in the public interest.

IT IS ORDERED THAT:

1. The right of Enbridge Gas Distribution Inc. to construct and operate works and to extend and add to the works for the distribution of gas in the Town of Innisfil is continued on the terms and conditions set out in the existing franchise agreement until July 3, 2009 or until a renewal of the franchise agreement is granted under the *Municipal Franchises Act*, whichever comes first.

DATED at Toronto, January 28, 2009
ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Facilities