



EB-2008-0413

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 Natural Resource Gas Inc. for an order seeking interim renewal of its franchise rights in the Town of Aylmer

INTERIM ORDER

Natural Resource Gas Limited (the "Applicant" or "NRG") has filed an application dated December 23, 2008, with the Ontario Energy Board (the "Board") under section 10(2) of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"). NRG is seeking to renew its franchise rights with the Town of Aylmer by way of a new 20-year franchise agreement. NRG has an existing franchise agreement with the Town of Aylmer which expires on February 27, 2009. The NRG application is based on the Model Franchise Agreement established by the Board which would grant NRG the right to construct and operate works for the distribution of gas in the Town's municipal boundaries and to supply gas to the Town's residents.

NRG informed the Board as part of its December 23, 2008 application that it has been unable to reach agreement with Town of Aylmer on the terms and conditions of the franchise renewal.

NRG has also requested that the Board grant interim relief under section 10(4) of Act to continue the right to operate works for the distribution of gas in accordance with the existing franchise agreement until an Order is made under section 10(2) of the Act in respect of this application. In addition NRG is requesting consideration for further and other relief as the Board may deem necessary or appropriate.

A Notice of Application and Notice of Hearing was served on the Clerk of the Corporation of the Town of Aylmer on January 9, 2009 and was also published on January 14, 2009 in the Aylmer Express.

An oral hearing was held in the Town of Aylmer on February 12, 2009. The Town of Aylmer and the Integrated Grain Processors Co-operative Inc. participated in the hearing.

At the conclusion of the oral hearing, the Board issued an oral decision granting, on an interim basis, NRG's rights as set out in the existing franchise agreement, to continue for 90 days or until the renewal of that franchise agreement is granted under the Municipal Franchises Act, whichever comes first.

IT IS ORDERED THAT:

The right of Natural Resource Gas Limited to construct and operate works and to extend and add to the works for the distribution of gas in the Town of Aylmer is continued on the terms and conditions set out in the existing franchise agreement until May 14, 2009 or until a renewal of the franchise agreement is granted under the *Municipal Franchises Act*, whichever comes first.

DATED at Toronto, February 17, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary