



EB-2009-0067
EB-2009-0068

**NOTICE OF APPLICATION
AND
NOTICE OF WRITTEN HEARING**

**GAS FRANCHISE APPROVAL AND APPROVAL TO ESTABLISH
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR THE CITY OF LONDON**

Union Gas Limited (the “Applicant”) has filed an application dated March 3, 2009 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 London (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 London (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.

The Applicant has also applied, pursuant to section 8 of 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 Municipality and establishes a single Certificate for the entire Municipality except for that area covered by a Certificate held by Natural Resource Gas Limited (“NRG”).

Certain areas of the former Town of Westminster and the former Townships of Delaware, London, North Dorchester and West Nissouri were annexed by the City of London in 1989 and 1993.

The Applicant currently holds a franchise agreement with the Municipality which expires on May 7, 2009. The Applicant also holds Certificates of Public Convenience and Necessity covering all of the Municipality except for certain parcels and tracts of land

within the former Township of Westminster that are covered by a certificate held by NRG.

The application will be decided by the Manager, Facilities Applications, who has been delegated this authority pursuant to section 6 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B). The Manager, Facilities Applications does not intend to provide for an award of costs when deciding this application.

Copies of the application and pre-filed evidence will be available for public inspection at the Board's offices, the Applicant's offices, and at the office of the Corporation at the addresses indicated below.

The Board intends to proceed with the application by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board within **7 days** of the publication date of this Notice.

If you wish to participate in the written hearing, you must make a written submission that is received by the Board no later than **14 days** after the publication date of this Notice, with a copy to the Applicant, at the addresses below. If the Applicant wishes to respond to the written submissions, such response must be received by the Board no later than **21 days** after the publication date of this Notice. All submissions must be received by the Board Secretary by **4:45 p.m.** on the required dates.

All filings to the Board must quote file number EB-2009-0067 / 0068, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca. Filings must clearly state the sender's name, postal address and telephone number and, if available, a fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found on the "e-Filing Services" webpage of the Board's website at www.oeb.gov.on.ca. If the web portal is not available, you may e-mail your document to Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who cannot provide an electronic version of their filing are required to file 7 paper copies.

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

ADDRESSES
(for viewing of copies of application)

Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Attn: Ms. Kirsten Walli
Board Secretary

Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

Union Gas Limited
(Head Office)
50 Keil Drive North
Chatham ON N7M 5M1

Attn: Mr. Patrick McMahon
Manager, Regulatory Research
and Records

Tel: 519-436-5325
Fax: 519-436-4641

Corporation of the City of London
300 Dufferin Avenue
P.O. Box 5035
London ON N6A 4L9

Attn. Mr. Kevin Bain
City Clerk

Tel: 519-661-4500
Fax: 519-661-4892

Union Gas Limited
(District Office)
109 Commissioners Road
London ON N6A 4P1

Attn. Mr. Shawn Khoshaien
District Manager

Tel: 519-667-4109
Fax: 519-667-4299

DATED at Toronto, March 24, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary