



EB-2009-0089

EB-2009-0090

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

**GAS FRANCHISE APPROVAL AND APPROVAL TO ESTABLISH
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR THE MUNICIPALITY OF BROCKTON**

Union Gas Limited (the “Applicant”) has filed an application dated March 17, 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 Municipality of Brockton (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 Municipality of Brockton (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 parts of the existing Certificate of Public Convenience and Necessity (“Certificate”) associated with the former municipalities within the Municipality and establishes a single Certificate for the Municipality.

The Board has assigned the following file numbers to this matter: EB-2009-0089 (for the franchise agreement) and EB-2009-0090 (for the certificate).

On January 1, 1999, the former Township of Brant, the former Town of Walkerton and the former Township of Greenock were amalgamated to form the Municipality.

The Applicant currently holds franchise agreements and a Certificate for the former Township of Brant and the former Town of Walkerton. The Applicant does not have a franchise agreement or Certificate for the former Township of Greenock.

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-2009-0089 / EB-2009-0090, 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 Municipality
of Brockton**

100 Scott Street, Box 68
Walkerton ON N0G 2V0

Attn. Mr. Richard Radford
Chief Administrative Officer / Clerk

Tel: 519-881-2223
Fax: 519-881-2991

**Union Gas Limited
(District Office)**

603 Kumpf Drive
Waterloo ON N2J 4A4

Attn. Mr. Murray Costello
District Manager

Tel: 519-885-7425
Fax: 519-885-7575

DATED at Toronto, April 8, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary