



EB-2009-0307

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

**GAS FRANCHISE AGREEMENT
FOR THE REGIONAL MUNICIPALITY OF NIAGARA**

Enbridge Gas Distribution Inc. (the "Applicant") has filed an application dated July 29, 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 renewing the Applicant's right to distribute, store, and transmit gas in and through the Regional Municipality of Niagara (the "Municipality") for such a period of time and upon the terms set out in the Franchise Agreement (the "Agreement") between the Applicant and the Corporation of the Regional Municipality of Niagara (the "Corporation"). The Applicant has also applied for an order of the Board declaring and directing that the assent of the municipal electors to the terms and conditions of the Agreement is not necessary.

The Board has assigned file number EB-2009-0307 to this matter.

The Applicant currently has an Agreement with the Municipality which will expire on January 17, 2010.

The application will be decided by the Manager, Natural Gas 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, Natural Gas Applications does not intend to provide for an award of costs when deciding this application.

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-2009-0307, 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
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Toronto ON M4P 1E4

Attn: Ms. Kirsten Walli
Board Secretary

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

Enbridge Gas Distribution Inc.
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North York ON M2J 1P8

Attn: Ms. Tania Persad
Senior Legal Counsel
Regulatory

Tel: 416-495-5499
Fax: 416-495-6072

**Corporation of the Regional Municipality
of Niagara**
2201 St. David's Road
Thorold ON L2V 4T7

Attn. Ms. Pam Gilroy
Regional Clerk

Tel: 905-685-1571
Fax: 905-687-4977

Enbridge Gas Distribution Inc.
(Regional Office)
3401 Schmon Parkway
Thorold ON L2V 5A8

Attn. Ms. Catherine Hanlon
General Manager
Niagara Region

Tel: 905-641-4853
Fax: 905-984-4758

DATED at Toronto, August 18, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary