



EB-2009-0324

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 Richmond Hill.

By delegation, before: Neil McKay

INTERIM ORDER

Enbridge Gas Distribution Inc. ("Enbridge") filed an application dated August 6, 2009 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 Richmond Hill (the "Municipality"). Board File No. EB-2009-0324 has been assigned to this proceeding.

Enbridge and the Municipality are party to a franchise agreement by By-law #32-74 which will expire on September 16, 2009. Enbridge also holds a Certificate of Public Convenience and Necessity (F.B.C. 4) with the Municipality.

The application filed by Enbridge on August 6, 2009 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 resolution in the form of the existing by-law to grant the franchise renewal. The draft resolution has not yet been passed by the Municipality. Board File No. EB-2009-0310 has been assigned to this Section 9 proceeding.

In order to ensure franchise coverage for the Town of Richmond Hill, Enbridge has requested an extension to the existing franchise agreement until February 16, 2010 or until Enbridge's application under Section 9 of the Act can be processed, whichever comes first.

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 Richmond Hill 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 Richmond Hill is continued on the terms and conditions set out in the existing franchise agreement until February 16, 2010 or until a renewal of the franchise agreement is granted under the *Municipal Franchises Act*, whichever comes first.

DATED at Toronto, August 27, 2009

ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Natural Gas Applications