



**EB-2007-0703**

**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 Union Gas Limited for an order approving the terms and conditions upon which the Corporation of the City of Belleville is by by-law to grant Union Gas Limited the right to construct and operate works for the distribution of gas the right to extend and add to the works and the period for which such rights are granted;

**AND IN THE MATTER OF** an application by Union Gas Limited for an order dispensing with the assent of the municipal electors of the Corporation of the City of Belleville regarding the by-law.

**By delegation, before:** Neil McKay

### **DECISION AND ORDER**

Union Gas Limited ("Union") filed an application dated July 24<sup>th</sup>, 2007 with the Ontario Energy Board (the "Board") under 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 City of Belleville is, by by-law, to grant to Union 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 Belleville. Union has also applied for an order of the Board declaring and directing that the assent of the electors of the City of Belleville to the bylaw is not necessary. The Board has assigned file number EB-2007-0703 to this application.

Union submitted a resolution dated June 11, 2007, passed by the Council of the Corporation of the City of Belleville, approving the draft by-law and requesting the Board to declare and direct that the assent of the municipal electors to the by-law is not necessary.

The Board's Notice of Application and Notice of Written Hearing was published on August 10, 2007. No submissions were received.

On January 1, 2001, the former City of Belleville and the former Township of Thurlow were amalgamated to form the Corporation of the City of Belleville.

The proposed Franchise Agreement covers the same territory as that covered by the existing Franchise Agreements. Specifically, Union possesses Franchise Agreements for the former City of Belleville (E.B.A. 197) and the former Township of Thurlow (E.B.A. 805).

Union holds a Certificate of Public Convenience and Necessity (EB-2007-0702) for the Corporation of the City of Belleville.

The proposed franchise agreement is in the form of the 2000 Model Franchise Agreement approved by the Board as a standard form of franchise agreement, with no amendments and for a term of twenty years.

Based on the information provided in the application, granting the application is in the public interest. Further, in all the circumstances, the assent of the municipal electors can properly be dispensed with.

**IT IS ORDERED THAT:**

1. The terms and conditions upon which, and the period for which, the Corporation of the City of Belleville is, by by-law, to grant to Union Gas Limited the right to construct and operate works for the distribution of gas, and the right to extend and add to the works, as set out in the franchise agreement attached as Appendix A, are approved.
2. The assent of the municipal electors of the Corporation of the City of Belleville to the by-law is not necessary.

**DATED** at Toronto October 23, 2007

ONTARIO ENERGY BOARD

*Original signed by*

Neil McKay

Manager, Facilities Applications

**APPENDIX A**  
**DECISION AND ORDER**  
**EB-2007-0703**  
**FRANCHISE AGREEMENT**  
**DATED: October 23, 2007**