



EB-2010-0051
EB-2010-0052

NOTICE OF APPLICATION AND NOTICE OF WRITTEN HEARING

GAS FRANCHISE AGREEMENT AND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CORPORATION OF THE CITY OF BURLINGTON

Union Gas Limited ("Union" or the "Applicant") has filed an application dated March 4, 2010 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 Burlington (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 Burlington (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 Board has assigned file number EB-2010-0051 to the franchise renewal application.

The Applicant has also applied, pursuant to section 8 of the Act, for an order of the Board that cancels and supersedes that part of F.B.C. 324 related to the former Town of Burlington with a Certificate of Public Convenience and Necessity for the Corporation of the City of Burlington. The Board has assigned file number EB-2010-0052 to this matter.

The Applicant has a Franchise Agreement (E.B.A. 683) with the Municipality which expires on April 24, 2010. The Applicant also holds a Certificate of Public Convenience and Necessity with the (F.B.C. 324) with the former Town of Burlington issued on June 24, 1959.

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.

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 numbers EB-2010-0051 and EB-2010-0052, 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: Kirsten Walli
Board Secretary

Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656
Email: Boardsec@oeb.gov.on.ca

Union Gas Limited

50 Keil Drive North
Chatham ON N7M 5M1

Attn: Patrick McMahon
Manager,
Regulatory Research and
Records

Tel: 519-436-5325
Email: pmcmahon@uniongas.com

The Corporation of the City of Burlington

426 Brant Street
Burlington ON L7R 3Z6

Attn: Ms. Kim Phillips
City Clerk

Tel: 905-335-7777
Fax: 905-335-7881

Union Gas Limited

4475 Mainway
Burlington ON L7L 7P2

Attn: Dave Lamoureux
District Manager,
Hamilton/Halton

Tel: 905-335-7348
Fax: 905-335-7354

DATED at Toronto, March 23, 2010

ONTARIO ENERGY BOARD

Original signed by

John Pickernell
Assistant Board Secretary