



EB-2010-0188
EB-2010-0189

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

**GAS FRANCHISE APPROVAL AND APPROVAL TO ESTABLISH
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR THE CITY OF MISSISSAUGA**

Enbridge Gas Distribution Inc. (the "Applicant") filed an application dated May 12, 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"). The Applicant filed an update to the Application on May 14, 2010. The Applicant has applied for an order of the Board renewing the Applicant's right to distribute, store, and transmit gas in and through the City of Mississauga (the "City") 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 City of Mississauga (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 by-law is not necessary.

The Applicant currently holds Franchise Agreements associated with the former Township of Toronto, the former Village of Port Credit, the former Village of Streetsville, and the City of Mississauga. The Applicant's franchise rights for the former Township of Toronto and the former Village of Port Credit are perpetual. The Franchise Agreement related to the former Village of Streetsville was for a term of 20 years and expired in November, 1975. The Franchise Agreement associated with the City of Mississauga will expire in July, 2010 and is only for specific lands annexed to the City from the Town of Oakville as part of *The Regional Municipality of Peel Act, 1973*.

The Applicant requested the consolidation and renewal of all four of the above noted franchise agreements under one franchise agreement to achieve consistency across the franchise territory. The Applicant stated that on January 1, 2010, under an order to *The Municipal Act, 2001, S.O. 2001, c. 25*, certain lands in the Town of Milton were annexed to the City of Mississauga and the Regional Municipality of Peel. The Applicant noted that Union holds a Franchise Agreement for the Town of Milton, including these annexed lands. Therefore, the Franchise Agreement requested is for the geographic region of the City, excluding the annexed lands which fall within Union's franchise rights. The Applicant made a modification to section 1(g) of the Board's 2000 Model Franchise Agreement which is meant to delineate the franchise rights of Union and those of the Applicant within the Municipality.

The Applicant currently holds Certificates of Public Convenience and Necessity ("Certificate") associated with the City of Mississauga and the former Village of Streetsville. The Applicant had established franchise rights in the area of the former Village of Port Credit and the former Township of Toronto prior to April 1, 1933 and under the *Municipal Franchises Act, R.S.O. 1990, c. M.55, Section 8*, Certificates for these geographical areas are not required.

The Applicant has applied, pursuant to section 8 of the Act, for an order of the Board cancelling the existing Certificates associated with the former Village of Streetsville and the City of Mississauga and replacing them with a Certificate for the geographic boundaries of the City, excluding the annexed Milton lands.

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-2010-0188 and EB-2010-0189, 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
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Board Secretary

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City Clerk

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Enbridge Gas Distribution Inc
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Central Region West

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Fax: 905-458-2129

DATED at Toronto, May 18, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary