



ONTARIO ENERGY BOARD

BOARD STAFF SUBMISSION

ENBRIDGE GAS DISTRIBUTION INC.

Franchise Renewal with the City of Mississauga

Board File No. EB-2010-0188 & EB-2010-0189

June 16, 2010

Introduction

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

Changes to the Board's 2000 Model Franchise Agreement

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 Municipality¹.

Section 1(g) of the Board's 2000 Model Franchise Agreement states:

"Municipality" means the territorial limits of the Corporation on the date when this Agreement takes effect, and any territory which may thereafter be brought within the jurisdiction of the Corporation.

Section 1(g) of the Applicant's revised Model Franchise Agreement states:

¹ See updated Schedule K – May 14, 2010 filing.

"Municipality" means the territorial limits of the Corporation on the date when this Agreement takes effect, and any territory which may thereafter be brought within the jurisdiction of the Corporation, exclusive of the lands described in Schedule "A" hereto [NTD: Schedule "A" would describe the former Milton lands, franchised to Union Gas, and replicate Schedule "A" of the Dec. 17/09 Annexation Order.]

Board staff submits that the Applicant's revision of Section 1(g) of the Model Franchise Agreement is beneficial as it ensures that the area subject to the Franchise Agreement is more accurately defined. However, Board staff notes that the Manager, Natural Gas Application, who has been delegated decision making authority in this proceeding, should be aware of this proposed change to the Model Franchise Agreement and should consider the possible impact of approving a revised Model Franchise Agreement.

All of which is respectfully submitted.