

ONTARIO ENERGY BOARD

AND IN THE MATTER OF the *Municipal Franchises Act*, R.S.O.
1980, Chapter 309, as amended

AND IN THE MATTER OF an Application for the renewal of a
franchise agreement between Natural Resource Gas Limited and
the Corporation of the Town of Aylmer

NOTICE OF APPLICATION FOR INTERVENTION

1. The Corporation of the Town of Aylmer (the "Town") is a party with the Applicant ("NRG") to the Franchise Agreement that is the subject of this Application. NRG has applied under s. 10 of the *Municipal Franchises Act* to renew the Franchise Agreement that it has with the Town for a period of 20 years.
2. The Town was served with the Notice of Application herein on April 3, 2012.
3. The Town participated as an intervenor in the proceedings before the Ontario Energy Board in its file number EB-2008-413, which resulted in the Board's Decision and Order dated May 5, 2009. That Decision and Order extended the term of the Town's current Franchise Agreement with NRG for the period of 3 years ended February 2012.
4. In those proceedings, the Town argued that one of the rationales for the shorter 3-year renewal term which it sought was that this would allow for the alignment of the renewal date and term of the Town's Franchise Agreement with the Franchise Agreements of neighbouring municipalities in the NRG service area. The evidence filed by the Town in that proceeding noted that, to the best of its knowledge and information, the renewal dates of the Franchise Agreements between NRG and those municipalities were as follows:
 - a. The Township of Malahide: 2012 and 2014
 - b. Corporation of the Municipality of Thames Centre: 2012
 - c. The Municipality of Bayham: 2012 and 2015
 - d. Corporation of the Township of South-West Oxford: 2013
 - e. Corporation of the Municipality of Central Elgin: 2016
5. In its Decision and Order dated May 5, 2009, among other things, at pages 11-12, the Board acknowledged the validity of that rationale.
6. NRG appealed from that Decision and Order to the Divisional Court. However, NRG's appeal has never been rescheduled for hearing after it was adjourned, at NRG's request, without

any date being set, on January 20, 2011. The Town's lawyer has advised NRG's lawyer of the Town's principal position that that appeal is now moot, but that alternatively, that appeal should be concluded before the Board proceeds to hear this application for a further renewal of the Town's Franchise Agreement.

7. On February 21, 2012, the Mayor and Council of the Town gave approval to its Chief Administrative Officer to approach her counterparts at other municipalities in the NRG service area regarding the development of a joint proposal to be made to NRG regarding the alignment of the renewal dates and terms of all their Franchise Agreements with NRG and related issues.

8. As a result of that initiative, a conference call was convened on February 29, 2012 and attended by all but one of the municipalities affected. A document reflecting the consensus reached among the participating municipalities on a proposal to be presented "without prejudice" to NRG was circulated following the call.

9. Since that call, the Town has received formal confirmation that the Mayors and Councils of three of the six municipalities (including the Town, itself) have authorized the Town's lawyers, Stockwoods LLP, to make a proposal to NRG jointly with respect to these issues based upon the consensus developed. The Town is currently awaiting similar confirmations from the remaining municipalities.

9. As such, The Town requests full status of an intervenor in this proceeding and reserves its rights to file evidence, cross-examine witnesses, make submissions, and generally fully participate in this proceeding.

10. The Town prefers correspondence in English.

11. All communications in respect of this proceeding should be copied to:

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Dated: April 11, 2012

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