



EB-2012-0072

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 Natural Resources Gas Limited for an order approving the terms and conditions upon which, and the period for which, the Corporation of the Town of Aylmer is, by by-law, to grant to Natural Resources Gas Limited the right to construct and operate works for the distribution, transmission and storage of natural gas and the right to extend and add to the works in the Town of Aylmer;

AND IN THE MATTER OF an application by Natural Resources Gas Limited for an order directing and declaring that the assent of the municipal electors of the Town of Aylmer to the by-law is not necessary.

PROCEDURAL ORDER NO. 3
June 7, 2012

On February 22, 2012, Natural Resources Gas Limited ("NRG") filed an application with the Ontario Energy Board under the *Municipal Franchises Act*, R.S.O. 1990, c. M55 as amended (the "Act"). The application is for an order of the Board renewing NRG's right to operate works and add to works for the distribution of gas in the Town of Aylmer for a period of 20 years. The Board has assigned file number EB-2012-0072 to the application.

NRG holds a Certificate of Public Convenience and Necessity to operate works and add to works for the distribution of gas in the geographical area comprising the Town of Aylmer (E.B.C. 111).

On March 29, 2012 the Board issued a Notice of Application. NRG served and published the Notice of Application as directed by the Board.

The NRG prefiled evidence indicated that there had been ongoing negotiations between NRG and the Town of Aylmer related to the Franchise Agreement that is the subject of the application. On May 1, 2012, the Board issued Procedural Order No. 1, ordering NRG to report to the Board, and copy to all intervenors, on the progress of its negotiation discussions with intervenors by May 11, 2012.

On May 11, 2012 NRG filed a letter to the Board in accordance with the Procedural Order No. 1 and reported that the negotiations were still ongoing and proposing that the next update be reported to the Board in the week of May 21, 2012. The Board granted the proposed extension in Procedural Order No. 2. On May 25, 2012 NRG reported to the Board that no agreement was reached between the parties.

In accordance with its stated intention in Procedural Order No.1 the Board will establish the specific scope of the proceeding. For that purpose, the Board requires NRG to provide a proposed issues list. The Board invites comments by intervenors and Board staff, and provides an opportunity for NRG to reply to these comments. Upon receiving all written submissions related to the proposed issues list the Board will determine the scope of the proceeding and provide an approved issues list.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. NRG shall file a proposed Issues List with the Board, and copy all intervenors and Board staff by **Wednesday, June 13, 2012.**

2. Intervenor and Board staff shall file comments, if any, on the proposed Issues List, with the Board and copy all intervenors by **Wednesday, June 20, 2012.**
3. NRG shall file with the Board, and copy all intervenors, a reply to comments on the proposed Issues List by **Wednesday, June 27, 2012.**

All filings to the Board must quote file numbers **EB-2012-0072**, be made through the Board's web portal at www.errr.ontarioenergyboard.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address.

Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the BoardSec@ontarioenergyboard.ca. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

DATED at Toronto, June 7, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary