



EB-2012-0256
EB-2012-0257

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 Union Gas Limited for an order approving the terms and conditions upon which, and the period for which, the Corporation of the Township of Dawson is, by by-law, to grant to Union 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 Township of Dawson;

AND IN THE MATTER OF an application by Union Gas Limited for an order directing and declaring that the assent of the municipal electors of the Corporation of the Township of Dawson to the by-law is not necessary;

AND IN THE MATTER OF an application by Union Gas Limited for an order cancelling the existing certificates of public convenience and necessity held by Union Gas Limited for the former municipalities within the Township of Dawson and replacing them with a single certificate of public convenience and necessity for the amalgamated Township of Dawson.

By delegation, before: Neil McKay

DECISION AND ORDER
August 9, 2012

Union Gas Limited filed applications with the Ontario Energy Board on May 16, 2012 under sections 8 and 9 of the *Municipal Franchises Act* (the "Act").

Pursuant to section 8 of the Act, the applicant seeks an order of the Board for a certificate of public convenience and necessity for the recently amalgamated Township of Dawson.

On January 1, 1997, the former Township of Atwood, the former Township of Dilke, the former Township of Worthington and the former Township of Blue were amalgamated to form the Township of Dawson. The applicant currently has a certificate of public convenience and necessity for the former Township of Atwood (E.B.C.201, dated July 6, 1993), and the former Township of Dilke (E.B.C. 202 dated July 6, 1993). The applicant does not have a certificate of public convenience and necessity for the former Township of Worthington and the former Township of Blue. The applicant is requesting that the existing certificates associated with the former townships of Atwood and Dilke be cancelled, and replaced with a new certificate for the amalgamated Township of Dawson. The Board assigned File No. EB-2012-0257 to the certificate of public convenience and necessity application.

Pursuant to section 9 of the Act, the applicant also seeks an order of the Board approving the terms and conditions upon which, and the period for which, the Corporation of the Township of Dawson (the "Municipality") is, by by-law, to grant to the applicant the right to distribute, store and transmit gas in and through the Township of Dawson. The applicant has also applied for an order of the Board directing and declaring that the assent of the municipal electors of the Municipality to the by-law is not necessary. The applicant submitted a resolution passed by Council of the Municipality on May 2, 2012, approving the form of the draft by-law and requesting that the Board declare and direct that the assent of the municipal electors to the by-law is not necessary. The Board assigned File No. EB-2012-0256 to the franchise application.

The Board's Notice of Application and Hearing was published on June 19, 2012. There were no intervenors.

The Board notes that the applicant has certificates and franchise agreements for the Town of Rainy River and the Township of Morley, which are adjacent to the Township of Dawson, and that there is no other natural gas utility, other than the applicant, in this area. The Board further notes that the proposed franchise agreement, which is in the form of the 2000 Model Franchise Agreement, covers the same territory as covered by the applicant's existing franchise agreements and includes the former Township of Worthington and the former Township of Blue.

The Board finds that it is in the public interest to grant the applications and that public convenience and necessity requires that approval be given.

IT IS THEREFORE ORDERED THAT:

1. The certificates of public necessity and convenience associated with the former Township of Atwood and the former Township of Dilke (E.B.C. 201 and 202, respectively) are hereby cancelled.
2. A certificate of public convenience and necessity, attached as Appendix A to this Decision and Order, is granted to Union Gas Limited to construct works to supply gas in the Township of Dawson.
3. The terms and conditions upon which, and the period for which, the Municipality is, by by-law, to grant to Union 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 Township of Dawson, as set out in the franchise agreement attached as Appendix B, are approved.
4. The assent of the municipal electors of the Municipality to the by-law is not necessary.

DATED at Toronto, August 9, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**APPENDIX A
TO BOARD DECISION AND ORDER**

EB-2012-0257

DATED: August 9, 2012

**Certificate of Public Convenience and Necessity for
the Corporation of the Township of Dawson**

Certificate of Public Convenience and Necessity

The Ontario Energy Board hereby grants

Union Gas Limited

approval under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to construct works to supply gas in the geographic boundaries of the

Corporation of the Township of Dawson

This certificate replaces Certificates E.B.C 201 and 202 associated with the former Township of Atwood and Township of Dilke.

DATED at Toronto, August 9, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**APPENDIX B
TO BOARD DECISION AND ORDER**

EB-2012-0256

DATED: August 9, 2012

**Franchise Agreement for
the Corporation of the Township of Dawson**

Franchise Agreement

The Ontario Energy Board hereby grants

Union Gas Limited

approval under section 9 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to distribute, store and transmit gas in and through the geographic boundaries of the

Corporation of the Township of Dawson

DATED at Toronto, August 9, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary