



**EB-2006-0218**

**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 Enbridge Gas Distribution Inc. for an order approving the terms and conditions upon which the Corporation of the County of Northumberland is, by by-law, to grant Enbridge Gas Distribution Inc. the right to construct and operate works for the distribution of gas; the right to extend and add to the works; and the period for which such rights are granted;

**AND IN THE MATTER OF** an application by Enbridge Gas Distribution Inc. for an order declaring and directing that the assent of the municipal electors of the Corporation of the County of Northumberland to the by-law is not necessary.

**By delegation, before:** Mark C. Garner.

### **DECISION AND ORDER**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application dated September 28, 2006, with the Ontario Energy Board (the "Board") under the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, for an order of the Board approving the terms and conditions upon which, and the period for which, the Corporation of the County of Northumberland (the "Corporation") is, by by-law, to grant to Enbridge the right to construct and operate works for the distribution of gas, and the right to extend and add to the works in the County of Northumberland (the "County"). Enbridge 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 Board has assigned file number EB-2006-0218 to this application.

Enbridge submitted a resolution dated June 28, 2006, passed by the Corporation, approving 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's Notice of Application and Notice of Written Hearing was published on October 18, 2006. There were no intervenors.

Enbridge is presently serving gas in portions of the County and holds Certificates of Public Convenience and Necessity for those portions.

The proposed franchise agreement is in the form of the 2000 Model Franchise Agreement approved by the Board as a standard form of agreement.

Based on the information provided in the application, granting the application is in the public interest. Further, in all the circumstances, the assent of the municipal electors can properly be dispensed with.

**IT IS ORDERED THAT:**

1. The terms and conditions upon which, and the period for which, the Corporation of the County of Northumberland is, by by-law, to grant to Enbridge Gas Distribution Inc. the right to construct and operate works for the distribution of gas, and the right to extend and add to the works, as set out in the franchise agreement attached as Appendix A, are approved.
2. The assent of the municipal electors of the County of Northumberland to the by-law is not necessary.

**DATED** at Toronto December 21, 2006.

ONTARIO ENERGY BOARD

*Original signed by*

Mark C. Garner  
Managing Director, Market Operations

**APPENDIX A**  
**TO BOARD DECISION AND ORDER**  
**EB-2006-0218**  
**DATED: December 21, 2006**  
**FRANCHISE AGREEMENT**