



EB-2006-0067

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 City of Brantford 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 Corporation of the City of Brantford;

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 City of Brantford to the by-law is not necessary.

By delegation, before: Mark C. Garner.

DECISION AND ORDER

Union Gas Limited ("Union") filed an application dated March 21, 2006 with the Ontario Energy Board under section 9 of 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 City of Brantford (the "Municipality") is, by by-law, to grant to Union the right to distribute, store and transmit gas in and through the Municipality. Union 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 Board has assigned file number EB-2006-0067 to this application.

Union submitted a resolution passed by the Council of the Municipality on March 6, 2006, 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's Notice of Application and Hearing was published on April 7, 2006. There were no intervenors.

Union is presently serving the Municipality and has a Franchise Agreement with the Municipality under E.B.A. 614 which expires on September 16, 2006. Union also has a Certificate of Public Convenience and Necessity (F.B.C. 259) granting Union the right to construct works to supply natural gas within the Municipality.

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 orders requested 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 City of Brantford 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, as set out in the franchise agreement attached as Appendix A, are approved.
2. The assent of the municipal electors of the Corporation of the City of Brantford to the by-law is not necessary.

DATED at Toronto, May 4, 2006.

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary

APPENDIX "A"
TO BOARD DECISION AND ORDER
EB-2006-0067

DATED: May 4, 2006

FRANCHISE AGREEMENT

*Available only in hard copy format