



**EB-2006-0284**

**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 cancelling existing Certificates of Public Convenience and Necessity for certain geographic areas that now form part of the City of Hamilton and replacing these with a single Certificate of Public Convenience and Necessity.

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

### **DECISION AND ORDER**

Union Gas Limited ("Union") filed an application dated November 13, 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 that cancels the existing Certificates of Public Convenience and Necessity for several former municipalities that now form part of the City of Hamilton (the "New Municipality") and replaces the existing Certificates of Public Convenience and Necessity with a new Certificate of Public Convenience and Necessity for the entire Municipality. The Board has assigned file number EB-2006-0284 to this application.

The Board's Notice of Application and Written Hearing was published on December 7, 2006. There were no intervenors.

Effective January 1, 2001, various municipalities were amalgamated to form the New Municipality. Union is presently serving portions of the Municipality and has Certificates of Public Convenience and Necessity for the former Regional Municipality of Hamilton-Wentworth (F.B.C. 259 and F.B.C. 192); the former City of Stoney Creek (F.B.C. 324); the former Town of Ancaster (F.B.C. 259); the former Town of Dundas (F.B.C. 324); the former Town of Flamborough (E.B.C. 32, E.B.C. 71, F.B.C. 99, F.B.C. 192 and F.B.C.

324); and the former Township of Glanbrook (F.B.C. 259). There is no Certificate of Public Convenience and Necessity in place for the former City of Hamilton because a Certificate of Public Convenience and Necessity was not required for facilities that existed prior to April 1, 1933.

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

**IT IS THEREFORE ORDERED THAT:**

1. Certificates of Public Convenience and Necessity for the former Regional Municipality of Hamilton-Wentworth (F.B.C. 259 and F.B.C. 192); the former City of Stoney Creek (F.B.C. 324); the former Town of Ancaster (F.B.C. 259); the former Town of Dundas (F.B.C. 324); the former Town of Flamborough (E.B.C. 32, E.B.C. 71, F.B.C. 99, F.B.C. 192 and F.B.C. 324); and the former Township of Glanbrook (F.B.C. 259) are cancelled.
2. A Certificate of Public Convenience and Necessity, attached as Appendix A, is granted to Union Gas Limited to construct works to supply gas in the City of Hamilton.

**DATED** at Toronto, February 6, 2007

ONTARIO ENERGY BOARD

*Original signed by*

Mark C. Garner  
Managing Director, Market Operations

**APPENDIX A**  
**TO BOARD DECISION AND ORDER**

**EB-2006-0284**

**DATED: February 6, 2007**

**Certificate of Public Convenience and Necessity**

**for**

**The City of Hamilton**

## **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 to

### **The City of Hamilton**

This certificate replaces the certificates of the former municipalities that are now within the City of Hamilton.

**DATED** at Toronto, February 6, 2007

ONTARIO ENERGY BOARD

*Original signed by*

Mark C. Garner  
Managing Director, Market Operations