



**uniongas**

A Spectra Energy Company

January 28, 2014

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Natural Resource Gas - Franchise Agreement with Municipality of Bayham  
Board File No. EB-2012-0447**

Union Gas Limited has become aware that Natural Resource Gas (“NRG”) has submitted an application to the Ontario Energy Board seeking approval of a proposed franchise agreement with the Municipality of Bayham.

In its application, NRG indicates that it has existing franchise agreements with the former Township of Bayham, the former Village of Port Burwell and the former Village of Vienna. NRG also notes that it has a Certificate of Public Convenience and Necessity granting it the right to construct works to supply gas in these former municipalities which now make up the Municipality of Bayham.

To ensure that the record is clear and complete, the Board should note that Union also has a franchise agreement in place with the Municipality of Bayham (expiring April 19, 2032 per EB-2012-0073) and that Union has a Certificate of Public Convenience and Necessity (E.B.C. 255), dated January 17, 1997, granting Union the right to construct works to supply natural gas within specific areas of the former Township of Bayham. I have attached a copy of E.B.C. 255 for reference.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

*[Original signed by]*

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c.c. (email only): Patrick Welsh, Osler, Hoskin & Harcourt LLP  
Kyle Kruger, Municipality of Bayham



**IN THE MATTER OF** the Municipal Franchises Act,  
R.S.O. 1990, c. M.55:

**AND IN THE MATTER OF** an Application by Union Gas Limited for a certificate of public convenience and necessity to construct works to supply gas and to supply gas to the inhabitants of the Township of Bayham and replacing that portion of the existing F.B.C 259 Certificate of Public Convenience which relates to the Township of Bayham.

**BEFORE:** P.W. Hardie  
Presiding Member

C. Elwell  
Member

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Union Gas Limited ("Union") filed with the Ontario Energy Board ("the Board") an Application dated September 27, 1996 ("the Application") under section 8 of the Municipal Franchises Act, for a certificate of public convenience and necessity to construct works to supply gas and to supply gas in the Township of Bayham. This certificate of public convenience and necessity would replace that section of Union's existing Certificates (F.B.C. 259 and E.B.C. 97) which relate to the Township of Bayham. The new certificate area would correspond to the Township of Bayham and would eliminate areas of overlapping Certificates of Public Convenience and Necessity. Until now, Union and Natural Resource Gas Limited ("NRG") possessed overlapping certificates to serve customers in two distinct portions of the Township.

The Board's Notice of Application, dated November 5, 1996, was served upon the Clerk of the Township of Bayham. The Board issued Procedural Order No. 1 and Notice of Hearing dated December 2, 1996.

The Application was heard in Toronto on December 16, 1996 in the presence of Counsel for Union, Counsel for Natural Resource Gas, and Counsel for Board Staff.

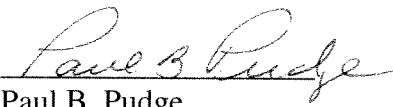
The Board issued an oral decision on December 16, 1996, wherein it approved the Application.

**THEREFORE THE BOARD ORDERS THAT:**

1. A certificate of public convenience and necessity ("Certificate") be granted to Union Gas to construct works to supply gas and to supply gas in the Township of Bayham.
2. E.B.C. 97 and that the section of the existing Certificate F. B. C. 259 which relates to the Township of Bayham is replaced by the new Certificate E.B.C. 255. The new Certificate includes the areas outlined in Schedule A to the Application .
3. If Union should fail to substantially complete construction of the gas mains proposed in the Application within twenty four months following the issuance of the Board's Certificate, the Certificate shall expire; and
4. The Board's costs shall be paid by Union forthwith upon the issuance of the Board's invoice.

ISSUED at Toronto, January 17, 1997.

ONTARIO ENERGY BOARD

  
Paul B. Pudge  
Board Secretary

**E.B.C.255**  
**Schedule "A"**

Listed below are the specific areas in the Township of Bayham for which Union currently holds certificates FBC 259 and EBC 97, excluding all certificated areas that overlap with NRG's Certificate EBC 111 and 119 and including the north four-tenths of Lot 26, Concession 8 and all of Lot 27, Concession 8.

- 1) All of Lots 15, 16, 17, 18, 19, 20 and 21 in Concession 11.
- 2) All of Lots 20, 21, 22, 23, 24 and 25 in Concession 10.
- 3) All of Lots 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Concession 9.
- 4) The south half of Lots 17, 18 and 19 in Concession 9.
- 5) The north half of Lot 20 in Concession 8.
- 6) The north half of Lots 17, 18 and 19 in Concession 8.
- 7) All that part of Lot 21 in Concession 8 lying north of the most southerly point of intersection of the Canadian Pacific Railway right-of-way with King's Highway No. 19.
- 8) All that part of Lot 21 in Concession 8 lying north of Ridge Road.
- 9) All those parts of Lots 22, 23 and 24 in Concession 8 lying north of the road (Ridge Road) which runs in a general easterly and westerly direction through such lots.
- 10) All of Lots 26, 27 and 28 in Concession 8.