



EB-2015-0306

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 Natural Resource Gas Limited pursuant to section 10(1) of the *Municipal Franchises Act* for an interim order or orders extending the terms and conditions, and the period for which Middlesex County is to grant to Natural Resource 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 Middlesex County;

By delegation, before: Pascale Duguay

INTERIM ORDER
December 7, 2015

Natural Resource Gas Limited (NRG) and the Corporation of Middlesex County (Middlesex County) are party to a municipal franchise agreement, dated December 7, 1995, which grants NRG the right to construct and operate works for the distribution of gas within, and to supply gas to the residents of, Middlesex County. NRG also holds a certificate of public convenience and necessity from the Ontario Energy Board (OEB) granting it the right to construct works to supply gas in Middlesex County (E.B.C. 239).

The franchise agreement between NRG and Middlesex County is set to expire on December 7, 2015.

NRG filed an application with the OEB on November 9, 2015, under section 10(1) of the *Municipal Franchises Act*. This section authorizes the OEB to issue an order approving the renewal of a municipal franchise agreement. The application is, however, incomplete due to the fact that NRG and Middlesex County are still in the process of negotiation. NRG sought an interim order of the OEB extending NRG's franchise rights in Middlesex County until such time that the OEB makes a final determination on the renewal application.

Given that the franchise agreement between NRG and Middlesex is set to expire on December 7, 2015 and given that the OEB will not be able to dispose of the renewal application prior to the expiry date, I find it in the public interest to grant the interim order. Therefore, pursuant to section 10(4) of the *Municipal Franchises Act*, I hereby order that NRG's franchise rights within Middlesex County be continued until such time that the OEB makes a final determination on the franchise renewal application.

IT IS ORDERED THAT:

1. The municipal gas franchise agreement between NRG and Middlesex dated December 7, 1995 is continued until such time that the OEB makes a final determination on NRG's application for renewal of the franchise agreement.

DATED at Toronto, December 7, 2015

ONTARIO ENERGY BOARD

Original signed by

Pascale Duguay
Manager, Natural Gas Applications