



uniongas

A Spectra Energy Company

April 29, 2016

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

Dear Ms. Walli:

**Re: Natural Resource Gas
Franchise Agreement with County of Middlesex
Board File No. EB-2016-0145**

Union Gas Limited (“Union”) has seen the Notice of Application related to an application submitted by Natural Resource Gas (“NRG”) seeking approval of a proposed franchise agreement with the County of Middlesex. While Union does not have a concern with respect to the franchise agreement, there are issues of overlapping rights associated with the County of Middlesex Certificate of Public Convenience and Necessity identified in NRG’s Application.

The County of Middlesex encompasses the Township of Adelaide Metcalfe, the City of London, the Township of Lucan Biddulph, the Municipality of Middlesex Centre, the Village of Newbury, the Municipality of North Middlesex, the Municipality of Southwest Middlesex, the Township of Strathroy – Caradoc and the Municipality of Thames Centre.

Union has Franchise Agreements and Certificates of Public Convenience and Necessity for all of the municipalities within the County of Middlesex with the exception of those specific areas outlined in Schedule A to the Certificate of Public Convenience and Necessity, F.B.C. 259.

NRG notes in its Application that it has a Certificate of Public Convenience and Necessity (E.B.C. 239) granting it the right to construct works to supply gas and to supply gas in the County of Middlesex. NRG’s Application indicates in paragraph 3 that the E.B.C. 239 Certificate was issued October 16, 1995.

Union also has a Certificate of Public Convenience and Necessity for the County of Middlesex (EB-2008-0309 issued January 20, 2009) which replaced those parts of the previous Certificate of Public Convenience and Necessity F.B.C. 259 related to the County of Middlesex. F.B.C. 259 was issued June 10, 1958 which was issued 37 years prior to the E.B.C. 239 Certificate issued to NRG. Union currently has a significant level of assets in place along County of Middlesex roads related to the F.B.C. 259 and EB-2008-0309 certificates.

Union's understanding is that NRG has limited facilities on County of Middlesex roads related to the E.B.C. 239 certificate and we question why overlapping certificate rights are currently in place when the granting of a Certificate of Public Convenience and Necessity provides geographically exclusive rights to supply gas and to expand gas service within a specific area.

See the attached map showing the County of Middlesex and the areas in the southeast section of the county in which NRG currently holds Certificates of Public Convenience and Necessity.

Union is concerned that NRG's unlimited E.B.C. 239 Certificate of Public Convenience and Necessity for the County of Middlesex may directly interfere and be in conflict with Union's EB-2008-0309 Certificate. While NRG's current application does not specifically request a Certificate, Union believes that overlapping Certificates could lead to inefficient facilities development and confusion for County officials.

Union asks that the Board direct NRG to identify specifically where they have assets on County of Middlesex roads so that their E.B.C. 239 Certificate can be limited in this regard.

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

Yours truly,

[Original signed by]

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