

Toronto

May 9, 2016

Montréal

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Our Matter Number: 1144688

Calgary

**Sent By Electronic Mail and Courier and Filed Electronically on RESS**

Ottawa

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

Vancouver

New York

Dear Ms. Walli:

**EB-2016-0145: Franchise Renewal Application with Middlesex County by Natural Resource Gas Limited (“NRG”)  
re: Union Letter of Comment**

On April 29, 2016, counsel for NRG received a Letter of Comment from Union Gas Limited (“**Union**”) regarding the above Application. In its Letter, Union stated that it “does not have a concern with respect to [NRG’s] franchise agreement...”. Nonetheless, Union requested that the Ontario Energy Board (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.”

NRG respectfully submits that Union’s request is beyond the scope of the current proceeding. The matter before the Board is the renewal of NRG’s franchise agreement with Middlesex County.

As stated above, Union does not have any concerns with NRG’s Franchise Renewal Application. NRG has not requested a new Certificate of Public Convenience and Necessity (“**CPCN**”) for Middlesex County, and has no need for a new CPCN, because E.B.C. 239 is and remains completely valid. Union has not applied for intervenor status, and it is NRG’s position that Union lacks standing to significantly expand the scope of the Application presently before the Board.

Union has unsuccessfully attempted to raise issues related to otherwise valid CPCNs before (see, e.g., EB-2014-0207, EB-2015-0205). Union submitted a nearly identical letter of comment regarding NRG’s recent Franchise Renewal Application with the Township of Malahide (see EB-2015-0205). In each instance, the Board has agreed with NRG that conducting a review of NRG’s **valid** CPCNs in the context of a Franchise Renewal Application is unnecessary and beyond the scope of the proceeding before it

(see EB-2015-0205, Decision and Order dated September 24, 2015; EB-2014-0207, Decision and Order dated September 18, 2014).

NRG respectfully requests that the Board proceed to evaluate NRG's Franchise Renewal Application without unnecessarily expanding the scope of the issues before the Board.

Yours very truly,

A handwritten signature in black ink, appearing to read "Patrick G. Welsh", with a stylized flourish at the end.

Patrick G. Welsh  
Associate

PW:LS

c (e-mail only):      Richard King, *Osler, Hoskin & Harcourt LLP*  
                                 Laurie O'Meara, *Natural Resource Gas Limited*  
                                 Brian Lippold, *Natural Resource Gas Limited*  
                                 Patrick McMahon, *Union Gas Limited*