



Ontario Energy Board Commission de l'énergie de l'Ontario

DECISION AND ORDER

EB-2016-0198

UNION GAS LIMITED

**Application for a Certificate of Public Convenience and Necessity for the
Township of Van Horne**

By Delegation, before: Pascale Duguay

September 8, 2016

INTRODUCTION AND SUMMARY

Union Gas Limited (Union) filed an application with the Ontario Energy Board (OEB) on June 21, 2016 under section 8 of the *Municipal Franchises Act*. The application seeks an order of the OEB granting Union a certificate of public convenience and necessity (certificate) for the Township of Van Horne. The application is approved as described in this Decision and Order.

THE PROCESS

The OEB held a written hearing. A Notice of Hearing was published in a local newspaper on August 10, 2016. The Ministry of Natural Resources and Forestry and the Ministry of Municipal Affairs and Housing, which serve as authorities for public lands and for areas with ministerial zoning orders within unincorporated townships, such as the Township of Van Horne, were served with a copy of the application and Notice of Hearing. There were no intervenors.

THE APPLICATION

Union is a corporation incorporated under the laws of the Province of Ontario, with its head office in the Municipality of Chatham-Kent.

The Township of Van Horne is an unincorporated township within the District of Kenora, in northern Ontario.

Union is applying for a certificate for the unincorporated Township of Van Horne.

OEB FINDINGS

I approve the application for the following reasons.

The OEB has jurisdiction under section 8 of the *Municipal Franchises Act* to grant certificates of public convenience and necessity to an entity proposing to construct works to supply or to supply gas in an unorganized territory, such as the Township of Van Horne.¹

¹ In its Decision with Reasons in proceeding E.B.C. 211 (at para. 1.3.19) the OEB stated that: "The Board has concluded that it does have jurisdiction under section 8 of the [Municipal Franchises] Act to issue a certificate of public convenience and necessity to an entity proposing to construct works to supply or to supply gas in an unorganized territory. In reaching this conclusion the Board has reviewed the history and provisions of the [Municipal Franchises] Act, the regulatory mandate under which the Board operates, the courts' interpretation of that mandate, and the public interest. The Board has come to the conclusion that the doctrine of jurisdiction by necessary implication is applicable."

Union has been providing natural gas service to three services in the unincorporated Township of Van Horne since December 2015. Union does not, however, currently have a certificate for the Township of Van Horne. Union states that this was due to the lack of clarity around the boundary between the City of Dryden and the unincorporated Township of Van Horne. Union has a municipal franchise agreement and certificate for the City of Dryden. The City of Dryden is immediately adjacent to the unincorporated Township of Van Horne. I note that no party intervened to object to, or comment on, the application.

I find that it is in the public interest for Union to continue to provide natural gas service to the affected customers and therefore will approve the certificate as requested by Union.

IT IS ORDERED THAT:

1. The certificate of public convenience and necessity, attached as Schedule A to this Decision and Order, is granted to Union Gas Limited to construct works or supply gas in the Township of Van Horne.
2. Union Gas Limited shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED at Toronto, September 8, 2016

ONTARIO ENERGY BOARD

Original Signed By

Pascale Duguay
Manager, Application Policy and Climate Change

SCHEDULE A

EB-2016-0198

DATED: September 8, 2016

Certificate of Public Convenience and Necessity

EB-2016-0198

Certificate of Public Convenience and Necessity

The Ontario Energy Board 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

Township of Van Horne

DATED at Toronto, September 8, 2016

ONTARIO ENERGY BOARD

Original Signed By

Pascale Duguay
Manager, Application Policy and Climate Change