

June 19, 2017

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

Dear Ms. Walli:

**Re: Overlapping Certificates of Public Convenience and Necessity**  
**Board File Number: EB-2017-0108**

Further to discussions with Board Staff regarding the May 30, 2017 request of Union Gas to provide confidential treatment to any facilities map that has been provided to the Board as part of applications related to franchise agreements and Certificates of Public Convenience and Necessity, attached is a revised application regarding the applied-for Certificate amendments Norfolk County, the County of Elgin and the County of Middlesex which contains a redacted, public version of Union's service area map.

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

Yours truly,

*[Original signed by]*

Patrick McMahon  
Manager, Regulatory Research and Records  
[pmcmahon@uniongas.com](mailto:pmcmahon@uniongas.com)  
(519) 436-5325

Encl.

On August 19, 2016, Union was directed by the Ontario Energy Board to file a report by December 31, 2016 confirming that Union has obtained Certificates of Public Convenience and Necessity covering the geographic areas in which its facilities are located. If during its investigation facilities are found to be located in areas where it does not hold Certificate rights, Union is to advise the Board as to where the infrastructure is located and to provide a plan to rectify the situation.

In its report to the Board dated December 22, 2016, Union identified Certificates of Public Convenience and Necessity held by Union and Natural Resource Gas (NRG) that were overlapping. Union committed at that time to submit an application to eliminate this overlap of Certificates.

### **Norfolk County**

On March 17, 1959, the Ontario Fuel Board issued F.B.C. 259 (attached as Schedule A) which granted Union the right to construct works to supply natural gas within all areas of various communities including all of the municipalities that now make up Norfolk County.

At the time F.B.C. 259 was issued and prior to its amalgamation with Haldimand in 1974, the former County of Norfolk consisted of eight townships (Charlottetown, Houghton, Middleton, North Walsingham, South Walsingham, Townsend, Windham and Woodhouse), all of which are specifically named within F.B.C. 259. Union has been providing natural gas service in these municipalities since the early 1900s.

In 1974, Nanticoke was incorporated as a city within the Regional Municipality of Haldimand-Norfolk through the amalgamation of the former towns of Port Dover and Waterford, the former village of Jarvis, and parts of the former townships of Rainham, Townsend, Walpole and Woodhouse. What was once the City of Nanticoke was split between Haldimand County and Norfolk County.

Other changes in 1974 included the Township of Houghton becoming the Township of Norfolk (January 1, 1974), the Township of South Walsingham becoming the Township of Delhi and the Township of Norfolk (April 1, 1974) and the Township of Middleton becoming the Town of Tillsonburg, the Township of Delhi and the Township of Norfolk (April 1, 1974).

Norfolk and Haldimand were separated again in 2001.

On January 1, 2001, the former Town of Simcoe, the former Township of Delhi, the former Township of Norfolk, and the westerly half of the City of Nanticoke were amalgamated to form the Town of Norfolk. On January 23, 2001, the name of the Municipality was changed to Norfolk County.

With the issuance of Certificate of Public Convenience and Necessity E.B.C. 111 and 119 (attached as Schedule B) on October 15, 1981, the Ontario Energy Board granted NRG the

right to construct works to supply natural gas within parts of the former Township of Norfolk that were in the former Townships of Houghton, Middleton, North Walsingham and South Walsingham to which Union had already been granted these same rights. To Union's knowledge, there have not been any changes made to the F.B.C. 259 Certificate rights that had been granted to Union in 1959 to serve customers within these same townships, including all of the former Townships within which NRG serves customers.

While this overlap in Certificates was raised by Union in a letter dated June 30, 2014 during the proceeding reviewing NRG's application for a franchise agreement with Norfolk County (EB-2014-0207), the Board decided not to address Certificate issues at that time.

Union submits that revised Certificates should be issued to both NRG and Union for Norfolk County to avoid any confusion going forward. Union submits that these Certificates should make specific references to the areas within Norfolk County served by NRG.

Union has attached draft revised Certificates of Public Convenience and Necessity for both Union Gas (Schedule C) and NRG (Schedule D) and a service area map of Norfolk County (Schedule E) for the Board's consideration.

Union now applies to the Ontario Energy Board for an Order pursuant to Section 8 of the *Municipal Franchises Act* cancelling and superseding those parts of Certificate of Public Convenience and Necessity F.B.C. 259 related to the former County of Norfolk and those parts of Certificate of Public Convenience and Necessity E.B.C. 111 and 119 related to the former Township of Norfolk that were in the former Townships of Houghton, Middleton, North Walsingham and South Walsingham and replacing them with utility-specific Certificates of Public Convenience and Necessity for Norfolk County.

### **County of Elgin**

Elgin County is an upper-tier municipality formed by two or more lower-tier municipalities and is composed of seven incorporated municipalities:

- Municipality of Central Elgin
- Township of Malahide
- Town of Aylmer
- Municipality of Bayham
- Municipality of West Elgin
- Township of Southwold
- Municipality of Dutton/Dunwich

The City of St. Thomas is geographically within the boundaries of Elgin County and part of the Elgin census division, but is separated from county administration.

Natural Resource Gas holds a Certificate of Public Convenience and Necessity (E.B.C. 212 issued February 9, 1996 – attached Schedule F) granting NRG the right to construct works to supply gas and to supply gas in the County of Elgin.

Union also holds a Certificate of Public Convenience and Necessity for the County of Elgin (F.B.C. 259 issued March 17, 1959) which was issued 37 years prior to the E.B.C. 212 Certificate issued to NRG. Union currently has a significant level of assets in place along County of Elgin roads related to the F.B.C. 259 Certificate.

Union's understanding is that NRG has limited facilities on County of Elgin roads related to the E.B.C. 212 certificate. Union is concerned that NRG's unlimited E.B.C. 212 Certificate of Public Convenience and Necessity for the County of Elgin may directly interfere and be in conflict with Union's F.B.C. 259 Certificate.

This overlap of Certificates was raised by Union in a letter dated July 27, 2015 during the proceeding reviewing NRG's application for a franchise agreement with the Township of Malahide (EB-2015-0205). At that time, Union asked the Board to direct NRG to identify specifically where they have assets on County of Elgin roads so that their related E.B.C. 212 Certificate could be limited in this regard. In its EB-2015-0205 Decision and Order dated September 24, 2015, the Board found that conducting a review of NRG's certificate of public convenience and necessity for the County of Elgin was unnecessary at that time and beyond the scope of that proceeding.

Union now applies to the Ontario Energy Board for an Order pursuant to Section 8 of the *Municipal Franchises Act* amending NRG's E.B.C. 212 Certificate such that it pertains only to areas where NRG has assets on County of Elgin roads and an order amending those parts of Certificate of Public Convenience and Necessity F.B.C. 259 related to the County of Elgin to exclude areas where NRG has assets on County of Elgin roads.

### **County of Middlesex**

Middlesex County is an upper-tier municipality formed by two or more lower-tier municipalities and is composed of eight incorporated municipalities:

- Township of Strathroy-Caradoc
- Municipality of Middlesex Centre
- Municipality of Thames Centre
- Municipality of North Middlesex
- Municipality of Southwest Middlesex
- Township of Lucan Biddulph
- Township of Adelaide Metcalfe
- Village of Newbury

Natural Resource Gas holds a Certificate of Public Convenience and Necessity (E.B.C. 239 issued October 16, 1995 – attached Schedule G) granting it the right to construct works to supply gas and to supply gas in the County of Middlesex.

Union also holds a Certificate of Public Convenience and Necessity for the County of Middlesex (EB-2008-0309 issued January 20, 2009 – attached Schedule H) which replaced those parts of Certificate of Public Convenience and Necessity F.B.C. 259 related to the County of Middlesex. F.B.C. 259 was issued March 17, 1959, more than 36 years before the E.B.C. 239 Certificate was 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.

This overlap of Certificates was raised by Union in a letter dated April 29, 2016 during the proceeding reviewing NRG's application for a franchise agreement with the County of Middlesex (EB-2016-0145). At that time, Union asked 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 could be limited in this regard. In its EB-2016-0145 Decision and Order dated May 19, 2016, the Board found that conducting a review of NRG's certificate of public convenience and necessity for the County of Middlesex was unnecessary at that time and beyond the scope of that proceeding.

Union now applies to the Ontario Energy Board for an Order pursuant to Section 8 of the *Municipal Franchises Act* amending NRG's E.B.C. 239 Certificate such that it pertains only to areas where NRG has assets on County of Middlesex roads and an order amending those parts of Certificate of Public Convenience and Necessity EB-2008-0309 related to the County of Middlesex to exclude areas where NRG has assets on County of Middlesex roads.

F.B.C. 259

## ONTARIO FUEL BOARD

IN THE MATTER OF The Municipal Franchises  
Act, R.S.O. 1950, Chapter 249, as amended;

AND IN THE MATTER OF an Application by  
Union Gas Company of Canada, Limited to  
the Ontario Fuel Board for approval of  
the Board to construct works to supply  
and/or to supply gas in the under-mentioned  
Municipalities.

## B E F O R E:

A. R. Crozier, Esquire, Chairman, and	} Tuesday, the	
D. M. Treadgold, Esquire, Q.C., and		
J. J. Wingfelder, Esquire, Commissioners		
		10th day of
		June, A.D. 1958.

## B E T W E E N:

UNION GAS COMPANY OF CANADA, LIMITED

- and -

City of Brantford,	Township of Dereham,
City of Galt,	Township of Lunn,
City of St. Thomas,	Township of Dunwich,
City of Woodstock,	Township of East Oxford,
Town of Delhi,	Township of Glanford,
Town of Dunnville,	Township of Gosfield North,
Town of Hespeler,	Township of Gosfield South,
Town of Ingersoll,	Township of Houghton,
Town of Kingsville,	Township of Mersea,
Town of Leamington,	Township of Middleton,
Town of Paris,	Township of Moulton,
Town of Port Dover,	Township of North Cayuga,
Town of Preston,	Township of North Dorchester,
Town of Simcoe,	Township of North Dumfries,
Town of Tillsonburg,	Township of North Walsingham,
Village of Caledonia,	Township of Oneida,
Village of Cayuga,	Township of Onondaga,
Village of Cottam,	Township of Orford,
Village of Dorchester,	Township of Rainham,
Village of Dutton,	Township of Seneca,
Village of Fingal,	Township of Sherbrooke,
Village of Hagersville,	Township of South Cayuga,
Village of Highgate,	Township of South Dumfries,
Village of Jarvis,	Township of South Walsingham,
Village of Lambeth,	Township of Southwold,
Village of Port Rowan,	Township of Townsend,
Village of Port Stanley,	Township of Walpole,
Village of Rodney,	Township of Westminster,
Village of Shedden,	Township of West Oxford,
Village of Waterford,	Township of Windham,
Village of West Lorne,	Township of Woodhouse,
Village of Wheatley,	Township of Yarmouth,-
Township of Aldborough,	County of Brant,
Township of Ancaster,	County of Elgin,
Township of Barton,	County of Haldimand,
Township of Bayham,	County of Middlesex,
Township of Binbrook,	County of Norfolk,
Township of Brantford,	County of Oxford,
Township of Burford,	County of Waterloo,
Township of Canboro,	County of Wentworth.
Township of Charlotteville,	

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

UPON Application of Union Gas Company of Canada, Limited

to the Ontario Fuel board pursuant to Section 8 of The Municipal Franchises Act, R.S.O. 1950, Chapter 249, as amended, for approval of the said board to construct works to supply and to supply gas in each of the Municipalities above mentioned; upon the hearing of such Application by the board at its Offices, 4 Richmond Street East, in the City of Toronto and Province of Ontario on the 10th day of June, 1958, after due Notice of such hearing had been given as directed by the board; in the presence of Counsel for the Applicant, Counsel for Central Pipeline Company Limited and United Development Company Limited, Counsel for the City of Galt, Counsel for the Town of Kingsville and the Townships of Gosfield South and Mersea and Counsel for S. J. Putman, Esquire of Kingsville; upon hearing the evidence adduced, the exhibits filed and Counsel aforesaid;

THIS BOARD DOth CERTIFY, pursuant to Section 8 of The Municipal Franchises Act, R.S.O. 1950, Chapter 249, as amended, that public convenience and necessity appear to require that approval of the Ontario Fuel board shall be and the same is hereby given to Union Gas Company of Canada, Limited to construct works to supply and to supply gas in each and all of the Municipalities above named, except in those certain areas and to those certain persons more particularly set forth in Schedule "A" hereto.

AND THIS BOARD DOth FURTHER ORDER that the costs of this Application fixed at the sum of \$250.00 be paid forthwith to the Board by the Applicant.

DATED at Toronto, Ontario, this 17th day of March, A.D. 1959.

ONTARIO FUEL BOARD

"A. R. Crozier"

Chairman

"D. M. Treadgold"

Commissioner

"J. J. Wingfelder"

Commissioner

THIS IS SCHEDULE "A" TO THE WITHIN  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY DATED THE        DAY  
OF        , 1959.

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A. TOWNSHIP OF WESTMINSTER

- (i) All of Lot 1 in Concession B.
- (ii) The north half of Lot 1 in Concession 1.
- (iii) Those persons in the south half of Lot 1 in Concession 1 and in the north half of Lot 1 in Concession 2 receiving natural gas from any person other than Union Gas Company of Canada, Limited on the date of this Certificate.
- (iv) The south half of Lot 1 in Concession 2.
- (v) All of Lots 1, 2 and 3 in Concessions 3, 4, 5 and 6.
- (vi) All of Lots 1, 2, 3, 4 and 5 in Concession 7.
- (vii) All of Lots 3, 4 and 5 in Concession 8.

B. TOWNSHIP OF NORTH DORCHESTER

- (i) All of Lot 24 in Concession A.
- (ii) The north half of Lot 24 in Concession B.
- (iii) Those persons in the south half of Lot 24 in Concession B and in the north half of Lot 24 in Concession 1 receiving natural gas from any other person than Union Gas Company of Canada, Limited on the date of this Certificate.
- (iv) The south halves of Lots 21, 22, 23 and 24 in Concession 1.
- (v) All of Lots 21, 22, 23 and 24 in Concessions 2, 3, 4, 5 and 6.
- (vi) Those persons in the south halves of Lots 8 and 9 in Concession B and in the north halves of Lots 8 and 9 in Concession 1 receiving natural gas from any other person than Union Gas Company of Canada, Limited on the date of this Certificate.
- (vii) The south halves of Lots 6, 7, 8, 9 and 10 in Concession 1.
- (viii) All of Lots 6, 7, 8, 9 and 10 in Concessions 2, 3, 4, 5 and 6.

C. TOWNSHIP OF YARMOUTH

- (i) All of Lots 14, 15, 16 and 17 in Concession 15.
- (ii) All of Lots 13, 14, 15, 16 and 17 in Concession 14.
- (iii) All of Lots 19, 20, 21, 22, 23 and 24 in Concession 10, in Range II North of Edgeware Road, in Range I North of Edgeware Road and in Range I South of Edgeware Road.



- (iv) All of Lots 67, 68, 69, 70, 71, 72 and 73 in Concession 9 (North Talbot Road) and in Concession 8 (South Talbot Road).
- (v) All of Lots 22, 23, 24, 25, 26, 27 and 28 in Concessions 7, 6 and 5.
- (vi) All of Lots 21, 22, 23, 24, 25, 26, 27 and 28 in Concessions 4, 3, 2 and 1.

D. TOWNSHIP OF LEREHAM

- (i) All of Lots 15 to 24 both inclusive in Concession 1.
- (ii) All of Lots 15 to 28 both inclusive in Concessions 2 to 12 both inclusive.

E. TOWNSHIP OF BAYHAM

- All of the Municipality except,
  - (i) All of Lots 15, 16, 17, 18, 19, 20 and 21 in Concession 11.
  - (ii) All of Lots 20, 21, 22, 23, 24 and 25 in Concession 10.
  - (iii) All of Lots 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Concession 9.
  - (iv) The north half of Lot 20 in Concession 8.
  - (v) 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.
  - (vi) All that part of Lot 21 in Concession 8 lying between the southerly limit of King's Highway No. 19 and the location on the date of this Certificate of a 4" gas main of Union Gas Company of Canada, Limited which runs in a general easterly direction from King's Highway No. 19 to the easterly limit of such Lot.
  - (vii) All those parts of Lots 22, 23, and 24 in Concession 8 lying north of the road which runs in a general easterly and westerly direction through such Lots.
  - (viii) The south halves of Lots 22, 23 and 24 and the south six-tenths of Lots 25 and 26, all in Concession 8 but reserving however to any other person supplying natural gas therein on the date of this Certificate the right to continue to supply to the consumers receiving such gas on the date of this Certificate.
  - (ix) All of Lot 28 in Concession 8.

F. TOWNSHIP OF HOUGHTON

- All of the Municipality except,
  - (i) All of Gore Lot "A".
  - (ii) The north half of Gore Lot "B".

- G. TOWNSHIP OF MIDDLETON - (i) The south quarters of Lots 1 and 2 in Concession 1, North Talbot Road.  
(ii) All of Lots 1 and 2 in Concessions 1 and 2, South Talbot Road.
- H. TOWNSHIP OF NORTH WALSHINGHAM - (i) All of Lots 1 in Concessions 13 and 14.  
(ii) All of Lots 1 to 5 both inclusive in Concessions 7 and 8.
- I. TOWNSHIP OF SOUTH WALSHINGHAM - (i) Marsh Lot in front of Gore Lot A in Range B.  
(ii) Gore Lot A in Range B.  
(iii) Gore Lot B in Range A.  
(iv) Gore Lot C in Concession 1.  
(v) Gore Lot D in Concession 2.  
(vi) Gore Lot E in Concession 3.  
(vii) Marsh Lots 1, 2, 3, 4 and 5 in front of Lots 1, 2, 3, 4 and 5 respectively in Range B.  
(viii) Lots 1 to 5 both inclusive in each of Ranges A and B.  
(ix) Lots 1 to 5 both inclusive in Concessions 1 to 6 both inclusive.
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ONTARIO FUEL BOARD

IN THE MATTER OF The Municipal Franchises Act, R.S.O. 1950, Chapter 249, as amended,

AND IN THE MATTER OF an Application by Union Gas Company of Canada, Limited to the Ontario Fuel Board for approval of the Board to construct works to supply and/or to supply gas in the under-mentioned Municipalities.

B E T W E E N:

UNION GAS COMPANY OF CANADA, LIMITED

- and -

CITY OF BRANTFORD ET AL

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CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

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McNevin, Gee & O'Connor,  
Barristers, etc.,  
Bank of Montreal Bldg.,  
CHATHAM, Ontario.

Was Page 1. See Image [\[OEB:113FC-0:1\]](#)

E.B.C. 111 and 119

IN THE MATTER OF the Municipal Franchises Act, R.S.O.  
1980, c. 309;

AND IN THE MATTER OF applications by Natural Resources  
Gas Limited for certificates of public convenience and necessity  
to construct works to supply and to supply gas in the Townships  
of Southwest Oxford, North Dorchester, South Dorchester,  
Westminster, Norfolk and Bayham, the Villages of Belmont,  
Port Burwell, Springfield and Vienna and the Town of Aylmer.

BEFORE: R. H. Clendining, Chairman and Presiding Member

H. R. Chatterson, Member

R. R. Perdue, Member

October 15, 1981

#### CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

UPON the applications of Natural Resource Gas Limited ("NRG") for certificates of public convenience  
and necessity to construct works to supply gas in the municipalities referred to above;

AND UPON the applications having been heard in Toronto on September 9, 1981, in the presence of  
counsel for NRG, for Union Gas Limited and for the Board, no one else appearing, and Reasons for  
Decision having been delivered on October 15, 1981:

Was Page 2. See Image [\[OEB:113FC-0:2\]](#)

IT IS ORDERED THAT a certificate of public convenience and necessity be and the same is hereby  
granted to NRG to construct works to supply and to supply gas in:

1. the Village of Belmont
2. the Township of South Dorchester
3. the Village of Port Burwell

4. the Town of Aylmer 16
5. the Village of Springfield 17
6. the Village of Vienna 18
7. those areas of the Townships of Southwest Oxford, North Dorchester, Westminister, Norfolk and Bayham set out in Appendix "A" to this order. 19

ISSUED at Toronto this 5th day of May, 1982. 20

ONTARIO ENERGY BOARD 21

<signed>  
Imelda Walker  
Assistant Board Secretary

Was Page 1. See Image [\[OEB:113FC-0:3\]](#) 22

Appendix "A" To Board Order

E.B.C. 111 and 119 dated May, 5th, 1982. 23

<signed>  
Imelda Walker  
Assistant Board Secretary 24

TOWNSHIP OF WESTMINSTER 25

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Westminister, in the Country of Middlesex, and being composed of the following: 26

1. The whole of Lots 3, 4, 5 and 6 in Concession 8. 27
2. The whole of Lots 1, 2, 3, 4, 5 and 6, in Concession 7. 28
3. The whole of Lots 1, 2 and 3 in each of Concessions 3, 4, 5 and 6. 29
4. The south halves of Lots 4, 5 and 6, in Concession 6. 30
5. Those parts of Lots 1, 2, 3 and 4 in Concession 2 lying south of Highway 401.

6. That part of the east half of Lot 5 in Concession 2 lying south of Highway 401.

31

7. Those customers on the west side of Highway 74 to a depth of 200 feet from the said Highway, from the dividing line between the north and south halves of Lot 1 in Concession 1 to Highway 401 lying in Lot 1 in Concession 2.

32

Was Page 2. See Image [\[OEB:113FC-0:4\]](#)

8. The north half of Lot 1 in Concession 1.

33

9. The whole of Lot 1 in the Broken Front Concession.

34

## TOWNSHIP OF NORTH DORCHESTER

35

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of North Dorchester, in the County of Middlesex, and being composed of the following:

36

1. The whole of Lot 24 in Concession A.

37

2. The north half of Lot 24, in Concession B.

38

3. Those customers along the east side of Highway 74 to a depth of 200 feet from the said Highway, from the dividing line between the north and south halves of Lot 24, in Concession B to Highway 401 lying in Lot 24, in Concession 1.

39

4. Those parts of Lots 21, 22, 23 and 24, in Concession 1 lying south of Highway 401.

40

5. The whole of Lots 21, 22, 23 and 24 in each of Concessions 2, 3, 4, 5 and 6.

41

6. The west half of the southerly quarter of Lot 20 in Concession 5.

42

7. The whole of Lot 20, in Concession 6, save and except the northeasterly quarter thereof.

43

Was Page 3. See Image [\[OEB:113FC-0:5\]](#)

8. The south halves of Lots 11, 12, 13, 14, 15, 16, 17, 18 and 19, in Concession 6.

44

9. The whole of Lots 6, 7, 8, 9 and 10 in each of Concessions 2, 3, 4, 5 and 6.

45

10. Those parts of Lots 6, 7, 8, 9 and 10 in Concession 1 lying South of Highway 401.

46

47

11. The south halves of Lots B, 1, 2, 3, 4 and 5, in Concession 6.

48

12. The whole of Lot A in each of Concessions 2, 3, 4, 5 and 6.

49

13. That part of Lot A, in Concession 1 lying south of Highway 401.

50

## TOWNSHIP OF SOUTHWEST OXFORD

51

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Southwest Oxford in the County of Oxford, formerly in the Township of Dereham in the County of Oxford, and being composed of the following:

52

1. The whole of Lots 15 to 23, both inclusive, in Concession 1.

53

2. The whole of Lot 24, in Concession 1, save and except that part of the said Lot lying north of Highway 401.

Was Page 4. See Image [\[OEB:113FC-0:6\]](#)

54

3. The whole of Lots 15 to 28, both inclusive, in each of Concessions 2 to 12, both inclusive.

55

4. The southerly quarter of Lot 14, in Concession 10.

56

5. The southerly quarter of Lot 14, in Concession 11.

57

## TOWNSHIP OF BAYHAM

58

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Bayham, in the County of Elgin, and being composed of the whole of the said Township of Bayham, saving and excepting therefrom the following:

59

1. The whole of Lots 15, 16, 17, 18, 19, 20 and 21, in Concession 11.

60

2. The whole of Lots 20, 21, 22, 23, 24 and 25, in Concession 10.

61

3. The whole of Lots 20, 21, 22, 23, 24, 25, 26, 27 and 28, in Concession 9.

62

4. The southerly 200 feet of Lots 17, 18 and 19, in Concession 9.

63

5. The northerly 200 feet of Lots 17, 18 and 19 in Concession 8.

6. The north half of Lot 20, in Concession 8.

64

Was Page 5. See Image [\[OEB:113FC-0:7\]](#)

7. Those parts of Lots 21, 22, 23 and 24, in Concession 8 lying north of the road which runs in a generally easterly and westerly direction through such Lots and commonly known as Ridge Road. However, the property of Mr. John Siemens Jr., R.R.1, Eden, Ontario (part of Lot 23, Concession 8) is to continue to be served by Natural Resource Gas Limited.

65

8. The whole of Lots 26, 27 and 28, in Concession 8.

66

## TOWNSHIP OF NORFOLK

67

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Norfolk, in the Regional Municipality of Haldimand-Norfolk (formerly in the Township of Houghton, in the County of Norfolk) and being composed of all of the lands and premises situate, lying and being in the lands formerly known as the Township of Houghton, save and except the following:

68

1. The whole of Gore Lot A.

69

2. The north half of Gore Lot B.

70

## (FORMERLY MIDDLETON)

71

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of

72

Was Page 6. See Image [\[OEB:113FC-0:8\]](#)

Norfolk, in the Regional Municipality of Haldimand-Norfolk, formerly in the Township of Middleton, in the County of Norfolk, and being composed of the following:

73

1. The south quarters of Lots 1 and 2, in Concession 1, North of Talbot Road.

74

2. The whole of Lots 1 and 2, in each of Concessions 1 and 2, South of Talbot Road.

75

## (FORMERLY NORTH WALSINGHAM)

76

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in Township of Norfolk, in the Regional Municipality of Haldimand-Norfolk, formerly in the Township of North Walsingham in the County of Norfolk, and being composed of the following:

77

78



1. The whole of Lot 1 in each of Concessions 11, 12, 13 and 14. 79
  2. The whole of Lot 1 in Concession 10, save and except all of the southerly 200 feet of the said Lot except the westerly 200 feet of the said southerly 200 feet. 80
  3. The whole of Lot 1 in Concession 9, save and except all of the northerly 200 feet of the said lot except the westerly 200 feet of the said northerly 200 feet. 81
- Was Page 7. See Image [\[OEB:113FC-0:9\]](#)
4. The whole of Lots 1 in each of Concessions 7 and 8. 82
  5. The south halves of each of Lots 2, 3, 4 and 5 in Concession 7. 83
- (FORMERLY SOUTH WALSINGHAM) 84
- ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Norfolk, in the Regional Municipality of Haldimand-Norfolk, formerly in the Township of South Walsingham, in the County of Norfolk, and being composed of the following: 85
1. The whole of Lots 1, 2, 3, 4 and 5, in each of Concessions 1, 2, 3, 4, 5 and 6. 86
  2. The whole of Lots 1, 2, 3, 4 and 5, in each of Ranges A and B. 87
  3. The whole of Marsh Lots 1, 2, 3, 4 and 5. 88
  4. The whole of Gore Lot E, in Concession 3. 89
  5. The whole of Gore Lot D in Concession 2. 90
  6. The whole of Gore Lot C in Concession 1. 91
  7. The whole of Gore Lot B, in Range A. 92
  8. The whole of Gore Lot A, in Range B.

EB-2017-\_\_\_\_\_

## Certificate of Public Convenience and Necessity

The Ontario Energy Board hereby 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

### Norfolk County

excluding those areas covered by Certificate of Public Convenience and Necessity EB-2017-\_\_\_\_\_ held by Natural Resource Gas Limited. The excluded areas are listed below:

All the area bounded by Elgin County Road 55 and Norfolk County Road 23 except for the whole of Gore Lot A and the north half of Gore Lot B.

The south quarters of Lots 1 and 2, north of Colonel Talbot Road (Talbot Street).

The whole of Lots 1 and 2 between Colonel Talbot Road (Talbot Street) and Concession Road 1 South.

The whole of Lot 1 in each of Concessions 11, 12, 13 and 14.

The whole of Lot 1 in Concession 10, save and except all of the southerly 200 feet of the said Lot except the westerly 200 feet of the said southerly 200 feet.

The whole of Lot 1 in Concession 9, save and except all of the northerly 200 feet of the said lot except the westerly 200 feet of the said northerly 200 feet.

The whole of Lots 1 in each of Concessions 7 and 8.

The south halves of each of Lots 2, 3, 4 and 5 in Concession 7.

The whole of Lots 1, 2, 3, 4 and 5, in each of Concessions 1, 2, 3, 4, 5 and 6.

The whole of Lots 1, 2, 3, 4 and 5, in each of Ranges A and B.

The whole of Marsh Lots 1, 2, 3, 4 and 5.

The whole of Gore Lot E, in Concession 3.

The whole of Gore Lot D in Concession 2.

The whole of Gore Lot C in Concession 1.

The whole of Gore Lot B, in Range A.

The whole of Gore Lot A, in Range B.

This certificate supercedes those parts of Certificate of Public Convenience and Necessity F.B.C. 259 related to the former municipalities that have been amalgamated into Norfolk County.

**DATED** at Toronto, \_\_\_\_\_

**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary

EB-2017-\_\_\_\_\_

## Certificate of Public Convenience and Necessity

The Ontario Energy Board hereby grants

### Natural Resource Gas

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

### Norfolk County

in the following areas:

All the area bounded by Elgin County Road 55 and Norfolk County Road 23 except for the whole of Gore Lot A and the north half of Gore Lot B.

The south quarters of Lots 1 and 2, north of Colonel Talbot Road (Talbot Street).

The whole of Lots 1 and 2 between Colonel Talbot Road (Talbot Street) and Concession Road 1 South.

The whole of Lot 1 in each of Concessions 11, 12, 13 and 14.

The whole of Lot 1 in Concession 10, save and except all of the southerly 200 feet of the said Lot except the westerly 200 feet of the said southerly 200 feet.

The whole of Lot 1 in Concession 9, save and except all of the northerly 200 feet of the said lot except the westerly 200 feet of the said northerly 200 feet.

The whole of Lots 1 in each of Concessions 7 and 8.

The south halves of each of Lots 2, 3, 4 and 5 in Concession 7.

The whole of Lots 1, 2, 3, 4 and 5, in each of Concessions 1, 2, 3, 4, 5 and 6.

The whole of Lots 1, 2, 3, 4 and 5, in each of Ranges A and B.

The whole of Marsh Lots 1, 2, 3, 4 and 5.

The whole of Gore Lot E, in Concession 3.

The whole of Gore Lot D in Concession 2.

The whole of Gore Lot C in Concession 1.

The whole of Gore Lot B, in Range A.

The whole of Gore Lot A, in Range B.

This certificate supercedes those parts of Certificate of Public Convenience and Necessity E.B.C. 111 and 119 related to the former municipalities that have been amalgamated into Norfolk County.

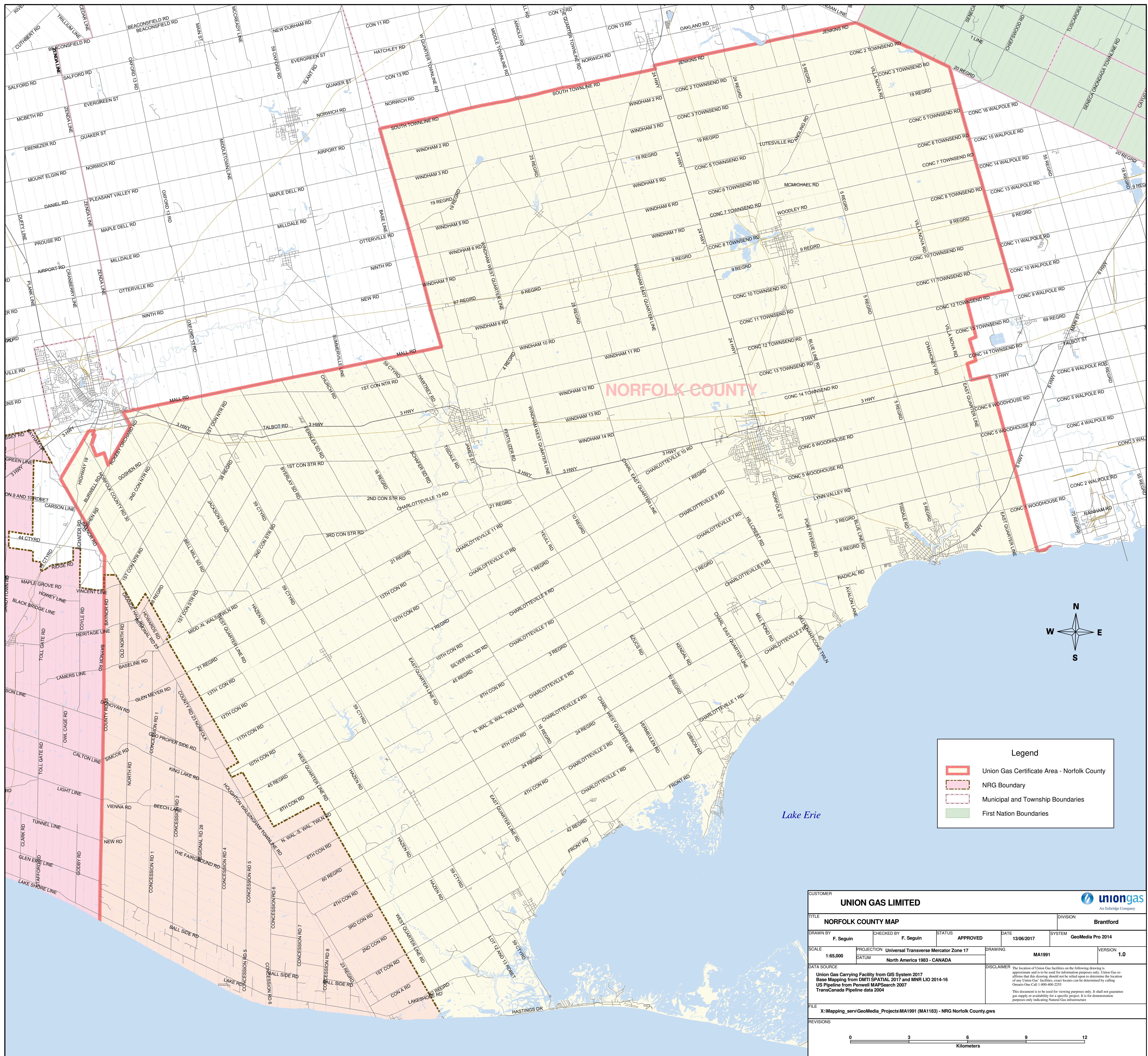
**DATED** at Toronto, \_\_\_\_\_

**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary









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

AND IN THE MATTER OF an Application by Natural  
Resource 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 County of  
Elgin.

BEFORE: J. C. Allan  
Presiding Member

E. R. Robertson  
Member

P. Vlahos  
Member

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Natural Resource Gas Limited ("NRG") filed with the Ontario Energy Board ("the Board") an Application dated February 17, 1994 ("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 County of Elgin.

The Board's Notice of Application was published and also served upon the Clerk-Treasurer of the Corporation of the County of Elgin.

The Application was heard in Toronto on October 6, 1995 in the presence of counsel for NRG and counsel for Board Staff.

The Board issued an oral decision at the conclusion of the hearing wherein the Board approved the Application.

THEREFORE THE BOARD ORDERS THAT:

1. A Certificate of Public Convenience and Necessity is granted to NRG to construct works to supply gas and to supply gas in the County of Elgin.
2. The Board's costs shall be paid by NRG forthwith upon the issuance of the Board's Invoice.

ISSUED at Toronto, February 9, 1996.

ONTARIO ENERGY BOARD

  
Paul Pudge  
Board Secretary





Ontario  
Energy  
Board

Commission  
de l'Énergie  
de l'Ontario

E.B.C. 239

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

AND IN THE MATTER OF an Application by Natural  
Resource 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 County of  
Middlesex.

BEFORE: J. C. Allan  
Presiding Member

E. J. Robertson  
Member

P. Vlahos  
Member

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Natural Resource Gas Limited ("NRG") filed with the Ontario Energy Board ("the Board") an Application dated June 8, 1995 ("the Application") under s.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 County of Middlesex.

The Board's Notice of Application was published and also served upon the Clerk-Treasurer of The Corporation of the County of Middlesex.

- 2 -

A hearing date was set, and the Notice of Hearing was served on all parties. The Application was heard in Toronto on October 6, 1995 in the presence of counsel for NRG, and counsel for Board Staff.

The Board issued an oral decision at the conclusion of the hearing wherein the Board approved the Application.

**THEREFORE THE BOARD ORDERS THAT:**

1. a Certificate of Public Convenience and Necessity is granted to NRG to construct works to supply gas and to supply gas in the County of Middlesex.
2. the Board's costs shall be paid by NRG forthwith upon the issuance of the Board's Invoice.

ISSUED at Toronto, October 16, 1995.

ONTARIO ENERGY BOARD



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Peter H. O'Dell  
Assistant Board Secretary

Ontario Energy Board

Commission de l'Énergie  
de l'Ontario

EB-2008-0309

**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 Union Gas Limited for an order superseding the part of the existing Certificates of Public Convenience and Necessity F.B.C. 259 related to the Corporation of the County of Middlesex and replacing them with a Certificate of Public Convenience and Necessity for equivalent rights as contained in F.B.C. 259 for the Corporation of the County of Middlesex.

**By delegation, before:** Neil McKay

### DECISION AND ORDER

Union Gas Limited ("Union") filed an application dated September 19, 2008 with the Ontario Energy Board (the "Board") under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"), for an order of the Board superseding the part of the existing Certificate of Public Convenience and Necessity (F.B.C. 259), related to the Corporation of the County of Middlesex and replacing it with a new Certificate with a Certificate of Public Convenience and Necessity for the equivalent rights as contained in F.B.C. 259 for the Corporation of the County of Middlesex. The Board has assigned file number EB-2008-0309 to this application.

The Board's Notice of Application and Written Hearing was published on November 13, 2008. There were no intervenors.

The Board finds that it is in the public interest to grant the application and that public convenience and necessity requires that approval be given.

**IT IS THEREFORE ORDERED THAT:**

1. The Certificate of Public Convenience and Necessity attached as Appendix A to this Decision and Order supersedes and replaces the parts of the existing Certificate of Public Convenience and Necessity F.B.C. 259 related to the County of Middlesex.
2. The Certificate of Public Convenience and Necessity, attached as Appendix A to this Decision and Order, is granted to Union Gas Limited to construct works to supply gas in the County of Middlesex.

**DATED** at Toronto, January 20, 2009  
**ONTARIO ENERGY BOARD**

*Original Signed By*

Neil McKay  
Manager - Facilities

**APPENDIX A**  
**TO BOARD DECISION AND ORDER**

**EB-2008-0309**

**DATED: January 20, 2009**

**Certificate of Public Convenience and Necessity**  
**for the County of Middlesex**

## **Certificate of Public Convenience and Necessity**

The Ontario Energy Board hereby 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

### **County of Middlesex**

This Certificate of Public Convenience and Necessity supersedes and replaces the parts of the Certificate of Public Convenience and Necessity F.B.C. 259 related to the County of Middlesex.

**DATED** at Toronto, January 20, 2009  
**ONTARIO ENERGY BOARD**

*Original Signed By*

Neil McKay  
Manager - Facilities