



uniongas

An Enbridge Company

June 18, 2018

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

Dear Ms. Walli:

**Re: Certificate of Public Convenience and Necessity
Unincorporated Township of Eby - Board File No. EB-2017-0111**

As per the Board's Letter of Direction dated June 13, 2018, enclosed is my Affidavit of Service and Publication in regard to the above-noted proceeding.

Yours truly,

[Original Signed By]

Gary Collins
Analyst II Regulatory Research
Regulatory Research and Records

Encl.

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 to issue a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Unincorporated Township of Eby.

-: AFFIDAVIT OF SERVICE:-

I, Gary Collins, of the Municipality of Southwest Middlesex, in the Province of Ontario, make oath and say as follows:

1. I am an employee in the Head Office of Union Gas Limited, the Applicant in the matter referred to in the preamble to this my Affidavit and I have personal knowledge of the matters herein deposed to.
2. By Courier, at Chatham, Ontario, on June 14, 2018, I did cause to be sent to the Ministry of Natural Resources and Forestry a true copy of the Notice of Hearing issued by the Board on June 13, 2018 to the above preamble and a covering letter, attached hereto as Exhibit "A".
3. By Courier, at Chatham, Ontario, on June 14, 2018, I did cause to be sent to the Ministry of Municipal Affairs a true copy of the Notice of Hearing issued by the Board on June 13, 2018 to the above preamble and a covering letter, attached hereto as Exhibit "B".
4. Pursuant to the June 13, 2018, Letter of Direction, attached hereto and marked as Exhibit "C" is a print screen providing proof of information posted to the Union Gas Limited website on June 14, 2018 for public review at <http://www.uniongas.com/aboutus/regulatory/franchises>
5. I make this Affidavit in good faith and for no improper purpose.

SWORN BEFORE ME, at the)
Municipality of Chatham-Kent)
in the Province of Ontario,)
this 18th day of June, 2018)

[Original Signed By]
Gary Collins

[Original Signed By]
A Commissioner, etc.



uniongas

An Enbridge Company

THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF Garry Collins
SWORN BEFORE ME THIS 14 DAY OF
JUNE 20 18
[ORIGINAL SIGNED BY]
A COMMISSIONER, ETC.

June 14, 2018

Rick Gordon, District Planner
Ministry of Natural Resources and Forestry, Kirkland Lake District Office
10 Government Road East, PO Box 910
Kirkland Lake, ON P2N 3K4

Dear Mr. Gordon:

**RE: Notice of Application
Certificate of Public Convenience and Necessity
The Unincorporated Township of Eby
Ontario Energy Board File Number: EB-2017-0111**

In accordance with instructions set out by the Ontario Energy Board's Letter of Direction dated June 13, 2018, Union Gas now serves upon you a copy of the Notice of Application together with a copy of the relevant Application for approval of the Certificate of Public Convenience and Necessity for the Unincorporated Township of Eby

The Ontario Energy Board will be arranging for publication of this Notice of Application in the *Kirkland Lake Northern News* on June 20, 2018.

Yours very truly,

[Original Signed By]

Patrick McMahon
Supervisor, Regulatory Research and Records
pmcmahon@uniongas.com
(519) 436-5325

Encl.



uniongas

An Enbridge Company

THIS IS EXHIBIT "B" TO THE AFFIDAVIT
OF GARY COLLINS
SWORN BEFORE ME THIS 18 DAY OF
JUNE 20 18
ORIGINAL SIGNED BY

A COMMISSIONER, ETC.

June 14, 2018

Wendy Kaufman, Manager
Ministry of Municipal Affairs, Northern Municipal Services Office
159 Cedar Street, Suite 401
Sudbury, ON P3E 6A5

Dear Ms. Kaufman:

**RE: Notice of Application
Certificate of Public Convenience and Necessity
The Unincorporated Township of Eby
Ontario Energy Board File Number: EB-2017-0111**

In accordance with instructions set out by the Ontario Energy Board's Letter of Direction dated June 13, 2018, Union Gas now serves upon you a copy of the Notice of Application together with a copy of the relevant Application for approval of the Certificate of Public Convenience and Necessity for the Unincorporated Township of Eby.

The Ontario Energy Board will be arranging for publication of this Notice of Application in the *Kirkland Lake Northern News* on June 20, 2018.

Yours very truly,

[*Original Signed By*]

Patrick McMahon
Supervisor, Regulatory Research and Records
pmcmahon@uniongas.com
(519) 436-5325

Encl.

March 15, 2018

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

Dear Ms. Walli:

**Re: Certificate of Public Convenience and Necessity
Unincorporated Township of Eby
OEB File Number: EB-2017-0111**

Attached is an Updated Application by Union Gas Limited for Orders of the Board with respect to a Certificate of Public Convenience and Necessity for the unincorporated Township of Eby.

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

Yours truly,

[Original signed by]

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

Encl.

Union Gas Limited has applied for approval of a certificate of public convenience and necessity for the unincorporated Township of Eby.

Learn more. Have your say.

Union Gas Limited has applied to the Ontario Energy Board for an order granting Union Gas Limited a certificate of public convenience and necessity to construct works to supply natural gas in the unincorporated Township of Eby.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Union Gas' requests. At the end of this hearing, the OEB will decide whether to grant Union Gas' requests.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

In order to distribute natural gas in Ontario, a person must comply with the requirements of the *Municipal Franchises Act*. This Act requires that a person that intends to distribute natural gas within a municipality must first receive approval from the OEB, in the form of a certificate of public convenience and necessity. Where the OEB has issued a certificate for an area but there is currently no distribution service, another person can apply for a certificate to serve that area. The OEB also regulates the distribution of natural gas within unincorporated townships and unorganized areas in the same manner.

With respect to the unincorporated Township of Eby, facilities providing natural gas service to an end user were put in place prior to Union Gas requesting and receiving approval from the OEB in the form of a certificate. This application addresses this situation.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Union Gas on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). Apply by **July 3, 2018** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

The OEB does not intend to provide for an award of costs for this hearing.

LEARN MORE

Our file number for this case is **EB-2017-0111**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please enter the file number **EB-2017-0111** on the OEB website: www.oeb.ca/participate. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. The OEB intends to proceed with this application by way of a written hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **July 3, 2018**.

PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This hearing will be held under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c.M.55.

Union Gas Limited a demandé l'approbation d'un certificat de commodité et de nécessité publique pour le canton non constitué en municipalité d'Eby.

Soyez mieux renseigné. Donnez votre opinion.

Union Gas Limited a demandé à la Commission de l'énergie de l'Ontario une ordonnance lui octroyant le certificat de commodité et de nécessité publique dont elle a besoin pour bâtir des ouvrages visant à alimenter en gaz naturel le canton non constitué en municipalité d'Eby.

LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO TIENDRA UNE AUDIENCE PUBLIQUE

La Commission de l'énergie de l'Ontario (CEO) tiendra une audience publique en vue d'examiner la requête d'Union Gas. À la fin de cette audience, la CEO décidera d'accorder ou non cette requête.

La CEO est un organisme public indépendant et impartial. Elle rend des décisions qui servent l'intérêt public. Son but est de promouvoir un secteur d'énergie viable et rentable financièrement qui vous offre des services énergétiques fiables à un coût raisonnable.

CERTIFICATS D'UTILITÉ ET DE NÉCESSITÉ PUBLIQUE

Afin de distribuer du gaz naturel en Ontario, une personne doit se conformer aux exigences de la *Loi sur les concessions municipales*. Cette loi stipule qu'une personne qui compte distribuer du gaz naturel dans une municipalité doit d'abord recevoir l'approbation de la CEO, sous forme d'un certificat d'intérêt et de nécessité. Lorsque la Commission a délivré un certificat pour une région où il n'y a pas de service de distribution, une autre personne peut faire une demande en vue d'obtenir un certificat pour desservir cette région. De même, la CEO réglemente la distribution du gaz naturel dans les cantons non constitués et dans les régions non érigées en municipalités.

Pour ce qui est du canton non constitué en municipalité d'Eby, les installations alimentant l'utilisateur en gaz naturel ont été mises en place avant qu'Union Gas ne demande et ne reçoive l'approbation de la Commission sous la forme d'un certificat. La présente demande vise à corriger cette situation.

SOYEZ RENSEIGNÉ ET DONNEZ VOTRE OPINION

Vous avez le droit de recevoir des renseignements concernant cette requête et de participer au processus.

- Vous pouvez consulter dès maintenant la requête d'Union Gas sur le site Web de la CEO.
- Vous pouvez présenter par écrit des observations qui seront examinées durant l'audience.
- Vous pouvez participer activement à l'audience (à titre d'intervenant). Inscrivez-vous d'ici le **3 juillet 2018** sinon l'audience sera entamée sans votre participation et vous ne recevrez aucun autre avis concernant cette instance.
- Vous pourrez passer en revue la décision rendue par la CEO et ses justifications sur son site Web, à la fin du processus.

La CEO n'a pas l'intention de présenter une attribution de frais en statuant sur cette demande.

SOYEZ MIEUX RENSEIGNÉ

Le numéro de ce dossier est le **EB-2017-0111**. Pour en savoir plus sur cette audience, sur les démarches à suivre pour présenter des lettres ou pour devenir un intervenant, ou encore pour accéder aux documents concernant ce dossier, veuillez inscrire le numéro de dossier **EB-2017-0111** sur le site Web de la CEO : www.oeb.ca/fr/participez. Vous pouvez également adresser vos questions à notre centre de relations aux consommateurs, au 1 877 632-2727.

AUDIENCES ÉCRITES OU ORALES

Il existe deux types d'audiences à la CEO : orale et écrite. La CEO compte traiter cette requête lors d'une audience écrite. Si vous croyez qu'une audience orale doit avoir lieu, vous pouvez écrire à la CEO pour exprimer votre opinion au plus tard le **3 juillet 2018**.

CONFIDENTIALITÉ

Si vous présentez une lettre de commentaires, votre nom et le contenu de votre lettre seront versés au dossier public et publiés sur le site Web de la CEO. Toutefois, votre numéro de téléphone, votre adresse personnelle et votre adresse courriel seront gardés confidentiels. Si vous êtes une entreprise, tous vos renseignements demeureront accessibles au public. Si vous faites une requête de statut d'intervenant, tous vos renseignements seront du domaine public.

Cette audience sera tenue en vertu de l'article 8 de la *Loi sur les concessions municipales*, L.R.O. 1990, chap. M.55.



ONTARIO ENERGY BOARD

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 approving a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the unincorporated Township of Eby.

APPLICATION (Updated)

1. Union Gas Limited ("Union"), a regulated public utility, is a corporation incorporated under the laws of the Province of Ontario, with its head office at the Municipality of Chatham-Kent, in the Province of Ontario.
2. 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.
3. During its investigation of Certificates, Union identified a customer being served within the unincorporated Township of Eby since 1982. There is no record of a Certificate being issued to Union for the unincorporated Township of Eby.
4. Attached hereto and marked as Schedules "A(1)" and "A(2)" are maps showing the location of the unincorporated Township of Eby as well as customer density and metes & bounds description of the area within the unincorporated Township of Eby in which Union has facilities and provides service to an end-use customer. The proposed Certificate area boundary runs 808m x 300m west of Normick Perron and MTO PRS 551142937 Station which is located 132.5m north of Highway 66.
5. Union has a Franchise Agreement (RP-2000-0197 / EB-2000-0434) with and Certificate of Public Convenience and Necessity (FBC 37) for the Town of Kirkland Lake which is the closest municipality to the unincorporated Township of Eby.
6. Union is submitting this application for an Order under Section 8 of the *Municipal Franchises Act* based on the assumption that the doctrine of jurisdiction by necessary implication gives the Ontario Energy Board jurisdiction to issue a Certificate of Public Convenience and Necessity in respect of an unincorporated territory.

7. The address of Union's district office is:

Union Gas Limited
1211 Amber Drive
Thunder Bay, ON P7B 6M4
Attention: Nick Klip, District Manager, Northwest
Telephone: (807) 684-8818
Email: nklip@uniongas.com

8. Union now applies to the Ontario Energy Board for an Order pursuant to Section 8 of the *Municipal Franchises Act* approving a Certificate of Public Convenience and Necessity for the unincorporated Township of Eby.

DATED at the Municipality of Chatham-Kent, in the Province of Ontario this 15th day of March, 2018.

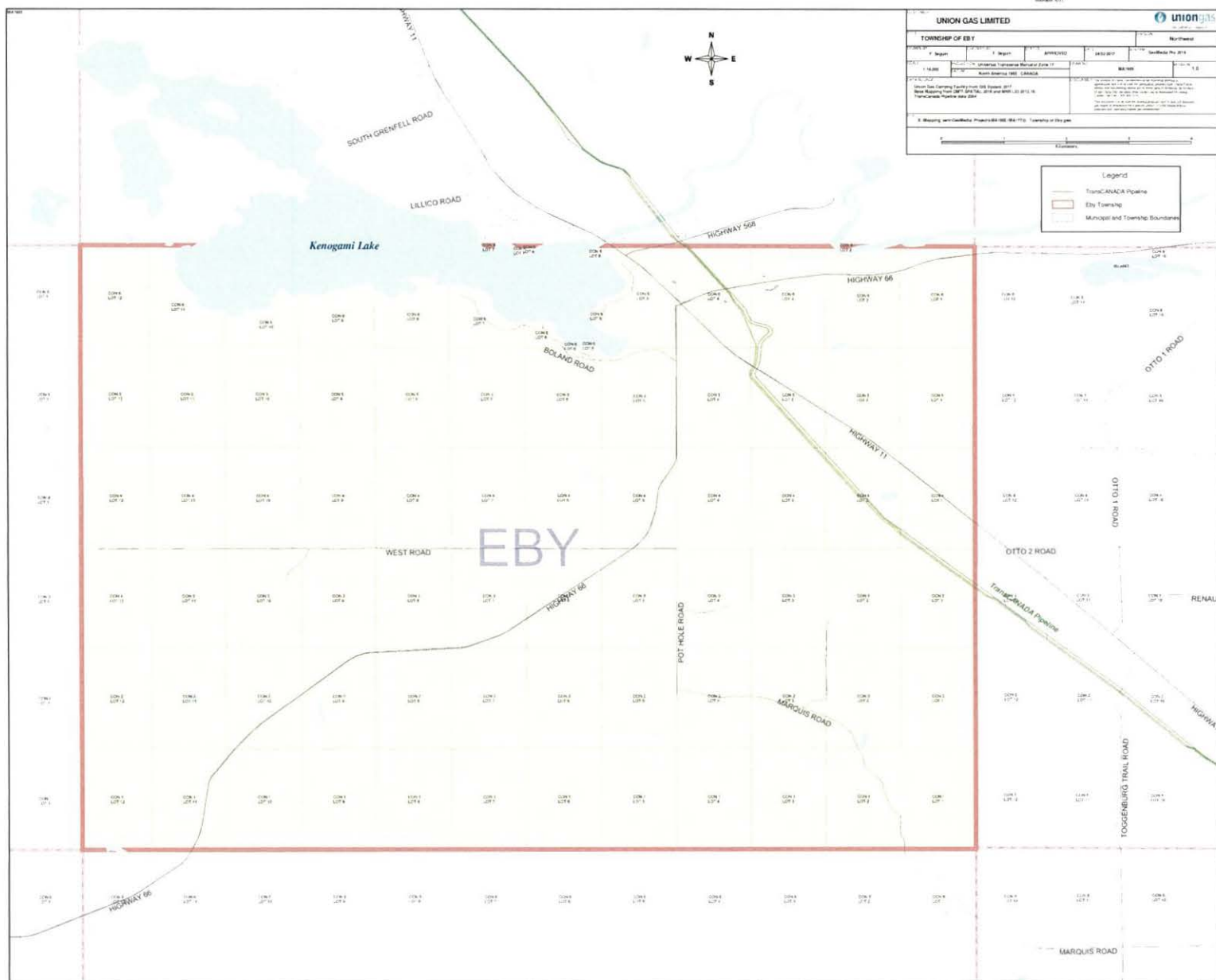
UNION GAS LIMITED

[Original signed by]

Patrick McMahon
Manager, Regulatory Research and Records

Comments respecting this Application should be directed to:

Mr. Patrick McMahon
Manager, Regulatory Research and Records
Union Gas Limited
50 Keil Drive North
Chatham, ON N7M 5M1
pmcmahon@uniongas.com
Telephone: (519) 436-5325

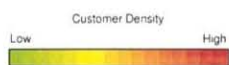




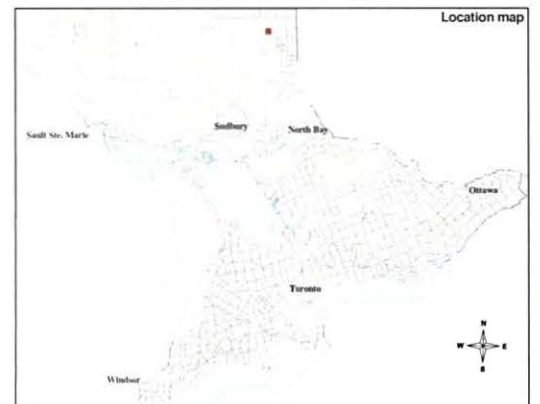
EBY TOWNSHIP

Legend

- Union Gas Pipeline Coverage Area
- Eby Township
- Roads
- Railway
- Municipal and Township Boundaries
- First Nation Boundaries



Disclaimer:
The map is provided with no warranty express or implied and is subject to change at any time. Any Person using the Density Map shall do so at its own Risk and the Density Map is not intended in any way As a tool to locate underground infrastructure for the purposes of excavation



THIS IS EXHIBIT "C" TO THE AFFIDAVIT
OF Gary Collins
SWORN BEFORE ME THIS 18 DAY OF
JUNE 20 18
CARRIE SHERIDAN
A COMMISSIONER, ETC.



https://www.uniongas.com/about-us/company-overview/regulatory/franchises

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Franchises

EB-2017-0106 - Unincorporated Township of Poitras

- Application
- Notice of Application

EB-2017-0108 - Overlapping Certificates of Public Convenience and Necessity

- Application
- Notice of Application (English)
- Notice of Application (French)

EB-2017-0109 - Certificates for Unincorporated Areas

- Application
- Notice of Application

EB-2017-0111 - Unincorporated Township of Eby

- Application
- Notice of Application