



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

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## **DECISION AND ORDER**

**EB-2017-0115**

## **UNION GAS LIMITED**

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

**By Delegation, before: Pascale Duguay**

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**July 19, 2018**

## INTRODUCTION AND SUMMARY

This Decision and Order grants a certificate of public convenience and necessity under the *Municipal Franchises Act* to Union Gas Limited (Union Gas), for a limited area within the Township of Schwenger.

## THE PROCESS

Union Gas applied on February 27, 2017 under section 8 of the *Municipal Franchises Act* for an order of the Ontario Energy Board (OEB) granting Union Gas a certificate of public convenience and necessity to construct works to supply gas in the unincorporated Township of Schwenger.

By letter dated May 24, 2017, the OEB put the application on hold pending the completion of the South Bruce Expansion Proceeding.<sup>1</sup>

Union Gas filed an updated application on March 13, 2018.

The OEB held a written hearing. A Notice of Hearing was published in the local newspaper on June 25, 2018. The Ministry of Natural Resources and the Ministry of Municipal Affairs, which serve as authorities for public lands and for areas with ministerial zoning orders within unincorporated townships, such as the Township of Schwenger, were served with a copy of the application and Notice of Hearing. There were no intervenors.

## THE APPLICATION

Union Gas 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 Schwenger is an unincorporated township in the Rainy River District of Northwestern Ontario.

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<sup>1</sup> Decision and Order, EB-2016-0137, EB-2016-0138 and EB-2016-0139, issued April 12, 2018.

On August 19, 2016, Union Gas was directed by the OEB to file a report confirming that the utility had obtained certificates of public convenience and necessity covering the geographic areas in which its facilities are located.

During its investigation, Union Gas identified a customer being served within the Township of Schwenger since 1982. There is no record of a certificate being issued to Union Gas for the Township of Schwenger.

Union Gas applied for a certificate for the Township of Schwenger limited to the area necessary to serve the existing customer. Initially, Union Gas supplied a map identifying all of its existing gas mains in the Township of Schwenger. Union Gas requested confidential treatment for the gas mains map, pursuant to the OEB's *Practice Direction on Confidential Filings*. The grounds for its confidential treatment included that the information contained therein is proprietary and subject to periodic change; and that it contains highly sensitive information from public safety, system security and customer personal information perspectives.

In accordance with the OEB's direction, Union Gas updated its application by filing a customer density map and a written metes and bounds description of the area for which it was seeking a certificate.

The metes and bounds description of the area for which Union Gas is requesting a certificate is as follows: the boundary area covering an area of 2,350 m x 300 m running 1,550 m west of the Town Border Station and 800 m east of the Town Border Station within the Township of Schwenger.

## 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 Schwenger.<sup>2</sup>

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<sup>2</sup> Decision with Reasons, E.B.C. 211 (at para. 1.3.19), issued November 29, 1994.

I find that it is in the public interest for Union Gas to continue to provide gas service to the affected customer in the Township of Schwenger and therefore will approve the certificate as requested by Union Gas.

I find that the customer density map submitted by Union Gas on March 13, 2018 adequately serves the purpose of the information being sought by the OEB in this proceeding; namely, to accurately inform the OEB of the distributor's service boundaries in the Township of Schwenger, as well as the general location and density of customers served. Given the sufficiency of the customer density map in meeting the OEB's purposes for deciding the application, the gas mains map will not be placed on the record of this proceeding.

**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 to supply gas in the Township of Schwenger, limited to the boundaries of Union Gas Limited's existing service area, as outlined in the map attached as Schedule B hereto.
2. Union Gas Limited shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at Toronto, July 19, 2018

**ONTARIO ENERGY BOARD**

*Original signed by*

Pascale Duguay  
Manager, Application Policy and Climate Change

**SCHEDULE A**

**EB-2017-0115**

**DATED: July 19, 2018**

**Certificate of Public Convenience and Necessity**

## **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 Schwenger**

limited to the area outlined in the map attached to this Decision and Order as Schedule B.

**DATED** at Toronto, July 19, 2018

**ONTARIO ENERGY BOARD**

*Original signed by*

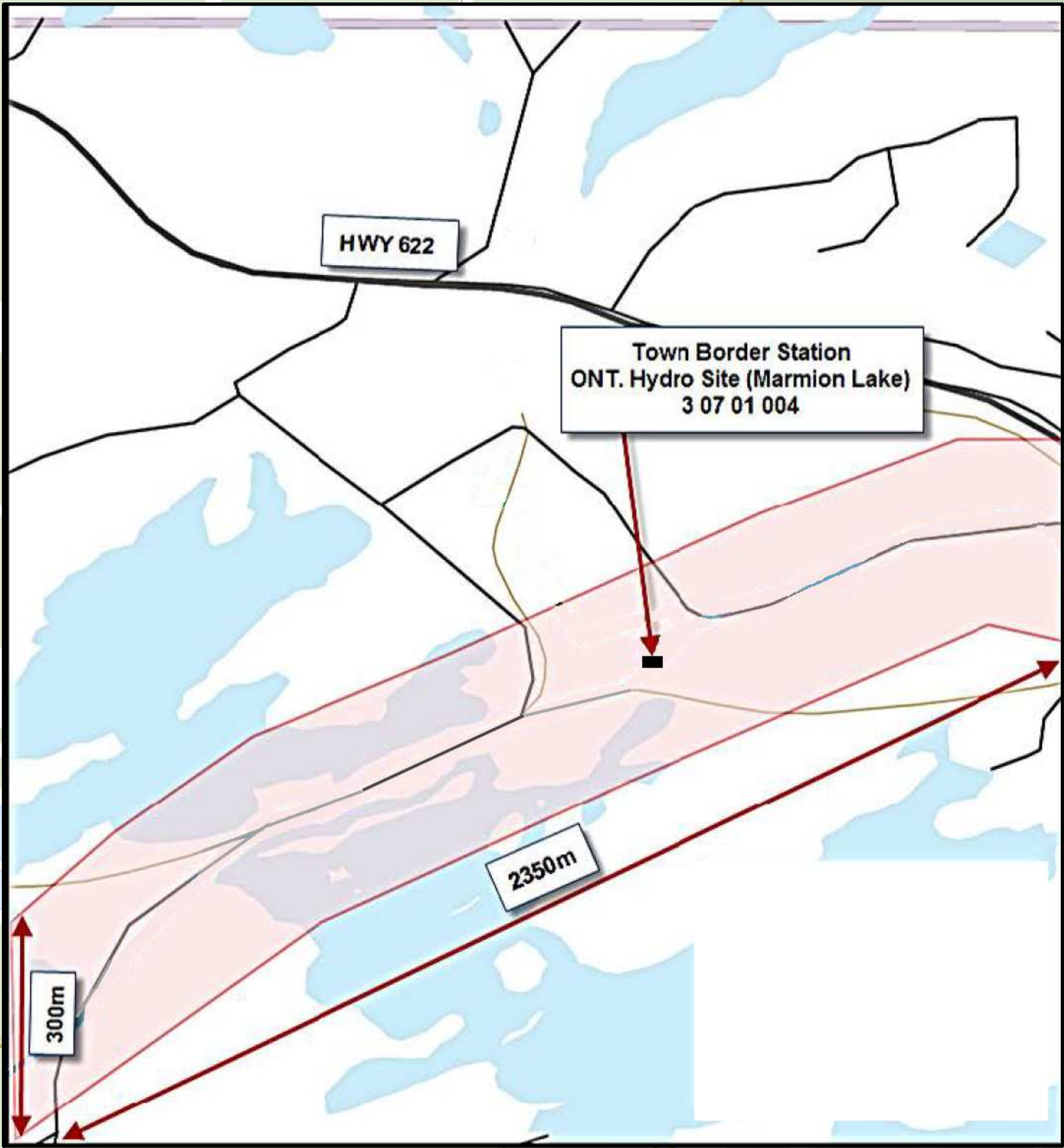
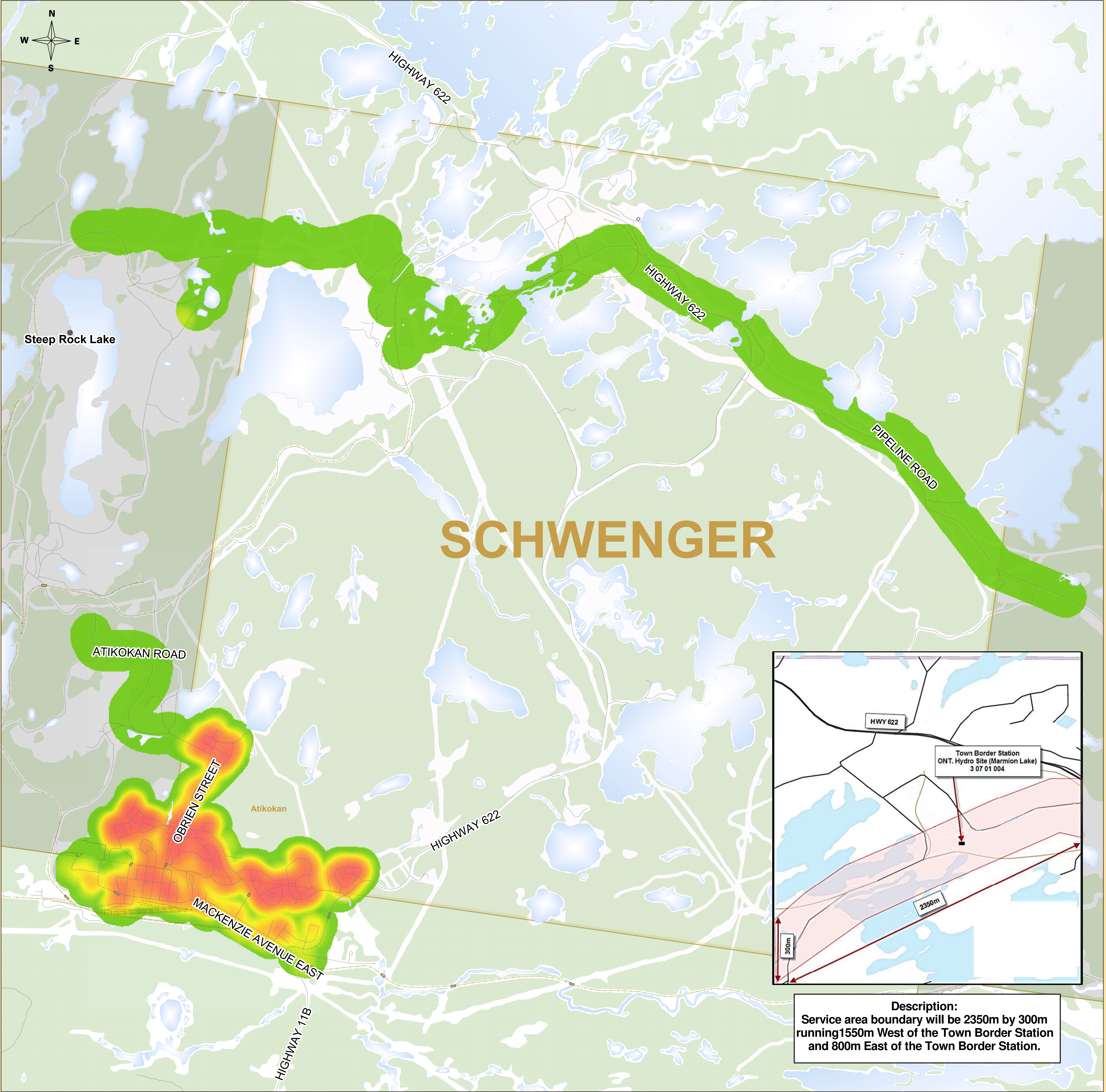
Pascale Duguay  
Manager, Application Policy and Climate Change

**SCHEDULE B**

**EB-2017-0115**

**DATED: July 19, 2018**

**Map of Union Gas Limited's Authorized Service Area in the Township of  
Schwenger**



**Description:**  
Service area boundary will be 2350m by 300m running 1550m West of the Town Border Station and 800m East of the Town Border Station.

SCHWENGER TOWNSHIP



**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



Legend

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

