



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

DECISION AND ORDER

EB-2017-0116

UNION GAS LIMITED

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

By Delegation, before: Pascale Duguay

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 Sapawe and the Township of Hutchinson, each of which are unincorporated townships.

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 Township of Sapawe and the Township of Hutchinson.

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

Union Gas filed an updated application on March 22, 2018.

The OEB held a written hearing. A Notice of Hearing was published in the local newspaper on June 18, 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 Sapawe and the Township of Hutchinson, 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 Sapawe and the Township of Hutchinson are unincorporated townships in the Rainy River District of Northwestern Ontario.

¹ 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 Sapawe and the Township of Hutchinson since 1968. Union Gas was granted a certificate (E.B.C. 73, dated November 18, 1968) to provide service to this customer who, at the time, was identified to be within the Township of Hutchinson. Union Gas noted in its updated application that it is more accurate to refer to this customer being within the Township of Sapawe. The Township of Sapawe is surrounded by the Township of Hutchinson, in which Union Gas has additional facilities in place, but from which no end-use customers are provided service. There is no record of a certificate being issued to Union Gas for the Township of Sapawe and the Township of Hutchinson other than the customer-specific E.B.C. 73.

Union Gas applied for a certificate for the Township of Sapawe and the Township of Hutchinson limited to the area necessary to serve the existing customer and facilities. Union Gas also applied for the cancellation of E.B.C. 73.

Initially, Union Gas supplied a map identifying all of its existing gas mains in the Township of Sapawe and the Township of Hutchinson. 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 descriptions for the areas for which Union Gas is requesting a certificate are as follows:

- Township of Sapawe: The boundary area that is 2,400 m x 300 m from GPS coordinates (48.768606, -91.340431) to GPS coordinates (48.783437, -91.342376)
- Township of Hutchinson: The boundary area that is 12,503 m x 300 m from GPS coordinates (48.846055, -91.249353) to GPS coordinates (48.783237, -91.359576)

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 Sapawe and the Township of Hutchinson.²

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

I find that the customer density map submitted by Union Gas on March 22, 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 Sapawe and the Township of Hutchinson. 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 Sapawe and the Township of Hutchinson, limited to the boundaries of Union Gas Limited's existing service area, as outlined in the map attached as Schedule B hereto.

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

2. Union Gas' certificate of public convenience and necessity for the Township of Hutchison (E.B.C. 73) is cancelled.
3. 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-2017-0116

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 Sapawe and the Township of Hutchinson

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

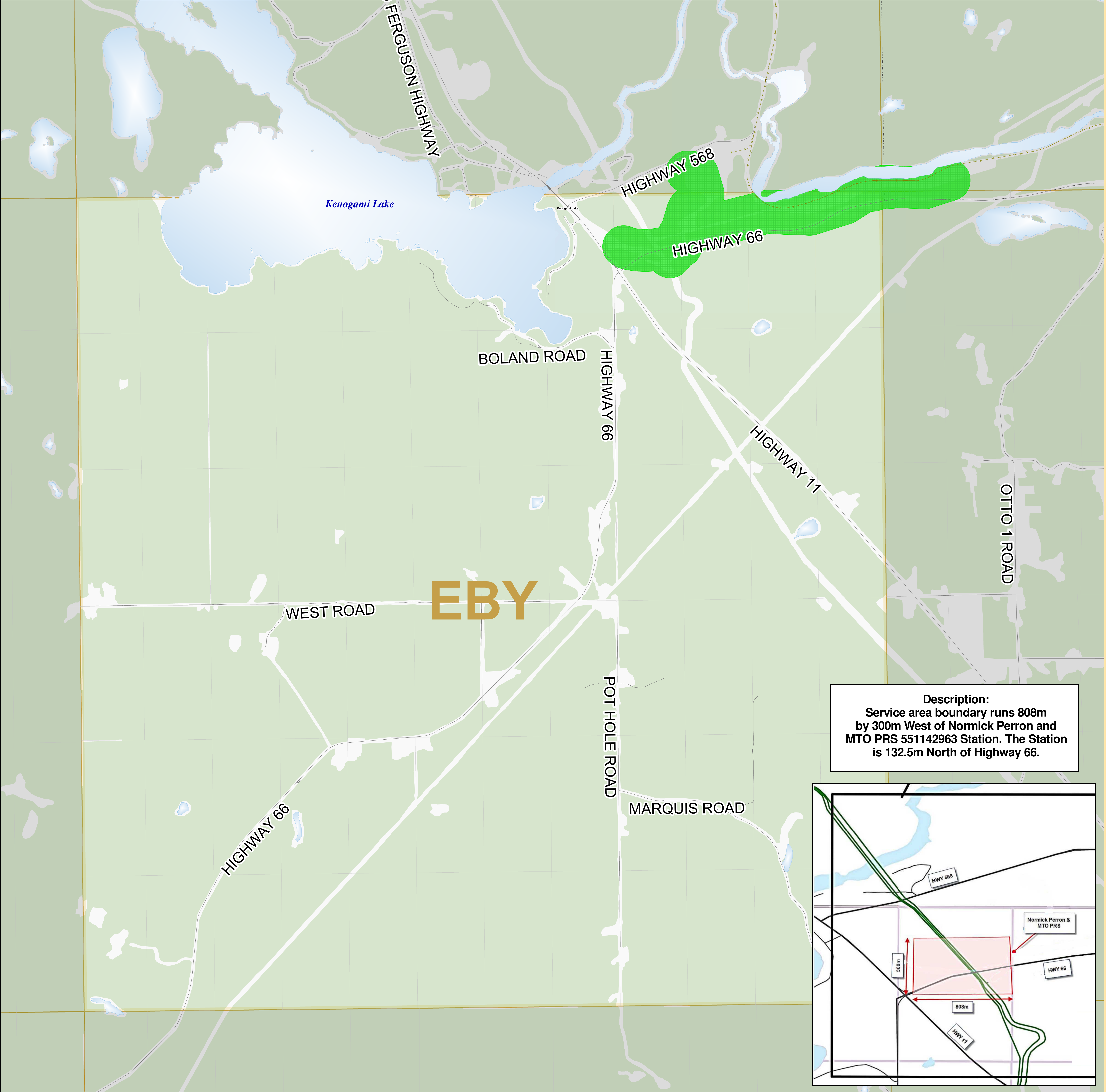
Pascale Duguay
Manager, Application Policy and Climate Change

SCHEDULE B

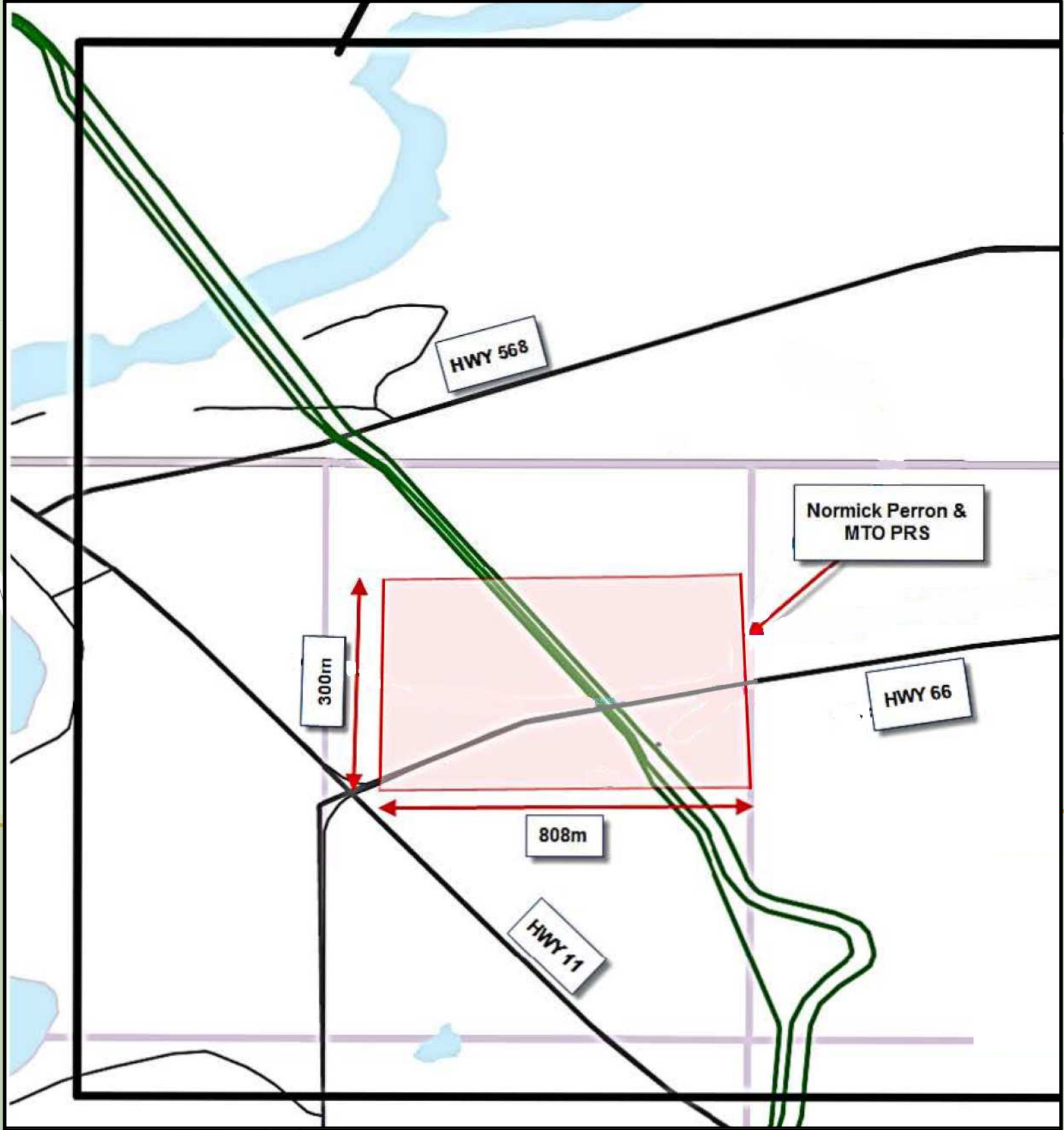
EB-2017-0116

DATED: July 19, 2018

**Map of Union Gas Limited's Authorized Service Area in the Township of Sapawe
and the Township of Hutchinson**



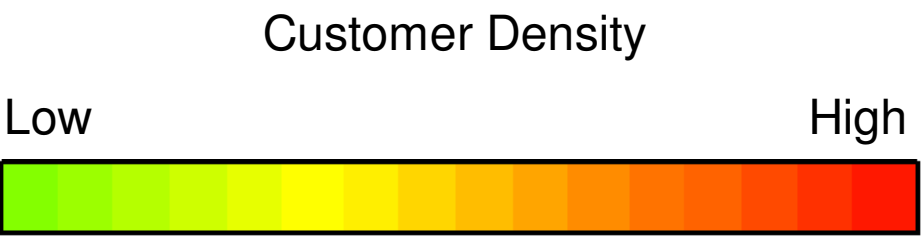
Description:
 Service area boundary runs 808m by 300m West of Normick Perron and MTO PRS 551142963 Station. The Station is 132.5m North of Highway 66.



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



Location map

