



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

DECISION AND ORDER

EB-2017-0114

UNION GAS LIMITED

**Application for a Certificate of Public Convenience and Necessity for the
unincorporated/unsurveyed Kenora District**

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 unincorporated/unsurveyed Kenora District.

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/unsurveyed Kenora District.

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 local newspapers on June 14, 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 unincorporated/unsurveyed Kenora District, 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 unincorporated/unsurveyed Kenora District is located in the Kenora 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 facilities in place within the unincorporated/unsurveyed Kenora District. There is no record of a certificate being issued to Union Gas for the unincorporated/unsurveyed Kenora District.

Union Gas applied for a certificate for the unincorporated/unsurveyed Kenora District limited to the area necessary to serve the existing facilities. Initially, Union Gas supplied a map identifying all of its existing gas mains in the unincorporated/unsurveyed Kenora District. 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 facilities 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 that covers an area of 66,792 m x 300 m from GPS coordinates (50.064420, -93.262532) to GPS coordinates (50.565456, -93.178434) and an area of 33,245 m x 300 m from GPS coordinates (50.821055, -93.409723) to GPS coordinates (50.931888, -93.766151) within the unincorporated/unsurveyed Kenora District.

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 unincorporated/unsurveyed Kenora District.²

I find that it is in the public interest for Union Gas to continue to have gas facilities in the unincorporated/unsurveyed Kenora District and therefore will approve the certificate as requested by Union Gas.

I find that the facilities 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 unincorporated/unsurveyed Kenora District. Given the sufficiency of the facilities 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 unincorporated/unsurveyed Kenora District, limited to the boundaries of Union Gas Limited's existing service area, as outlined in the maps 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

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

SCHEDULE A

EB-2017-0114

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

unincorporated/unsurveyed Kenora District

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

DATED at Toronto, July 19, 2018

ONTARIO ENERGY BOARD

Original Signed By

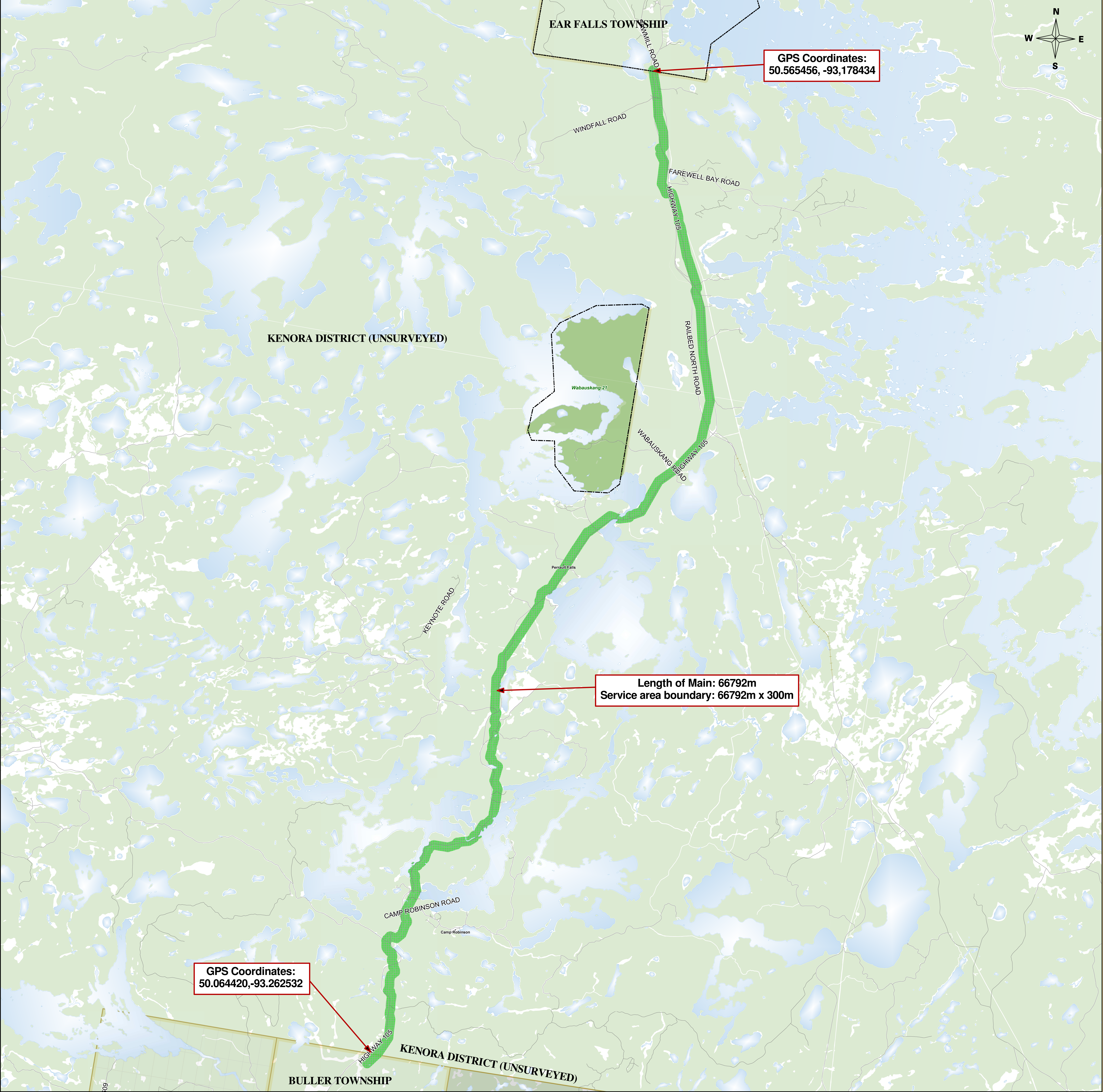
Pascale Duguay
Manager, Application Policy and Climate Change

SCHEDULE B

EB-2017-0114

DATED: July 19, 2018

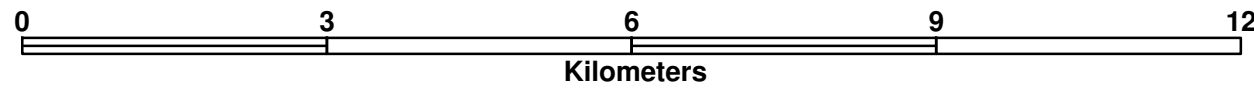
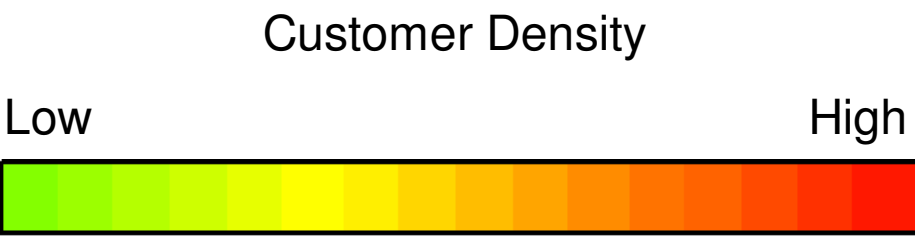
**Maps of Union Gas Limited's Authorized Service Area in the
unincorporated/unsurveyed Kenora District**



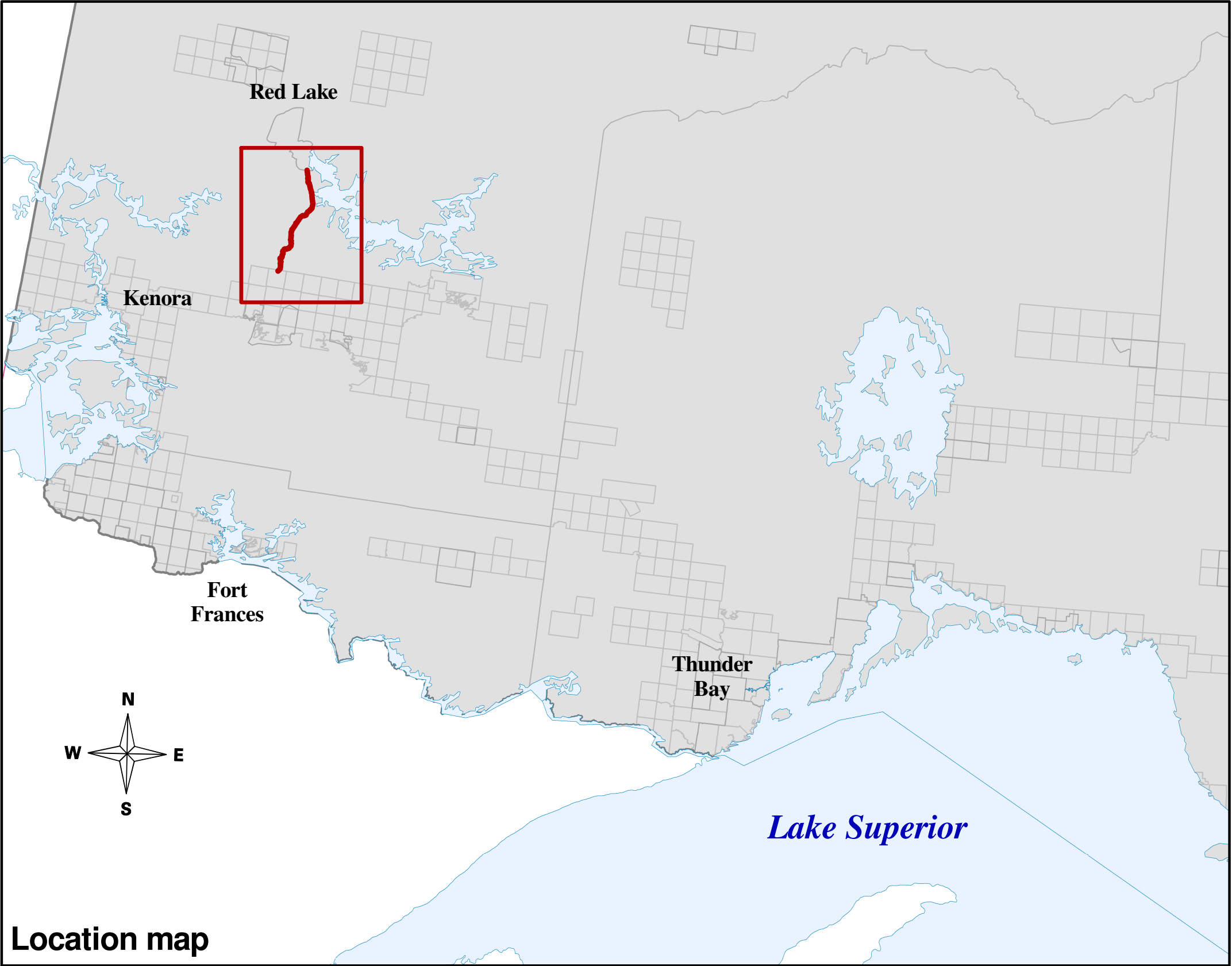
KENORA DISTRICT (UNSURVEYED) (Buller Township to Ear Falls Township)

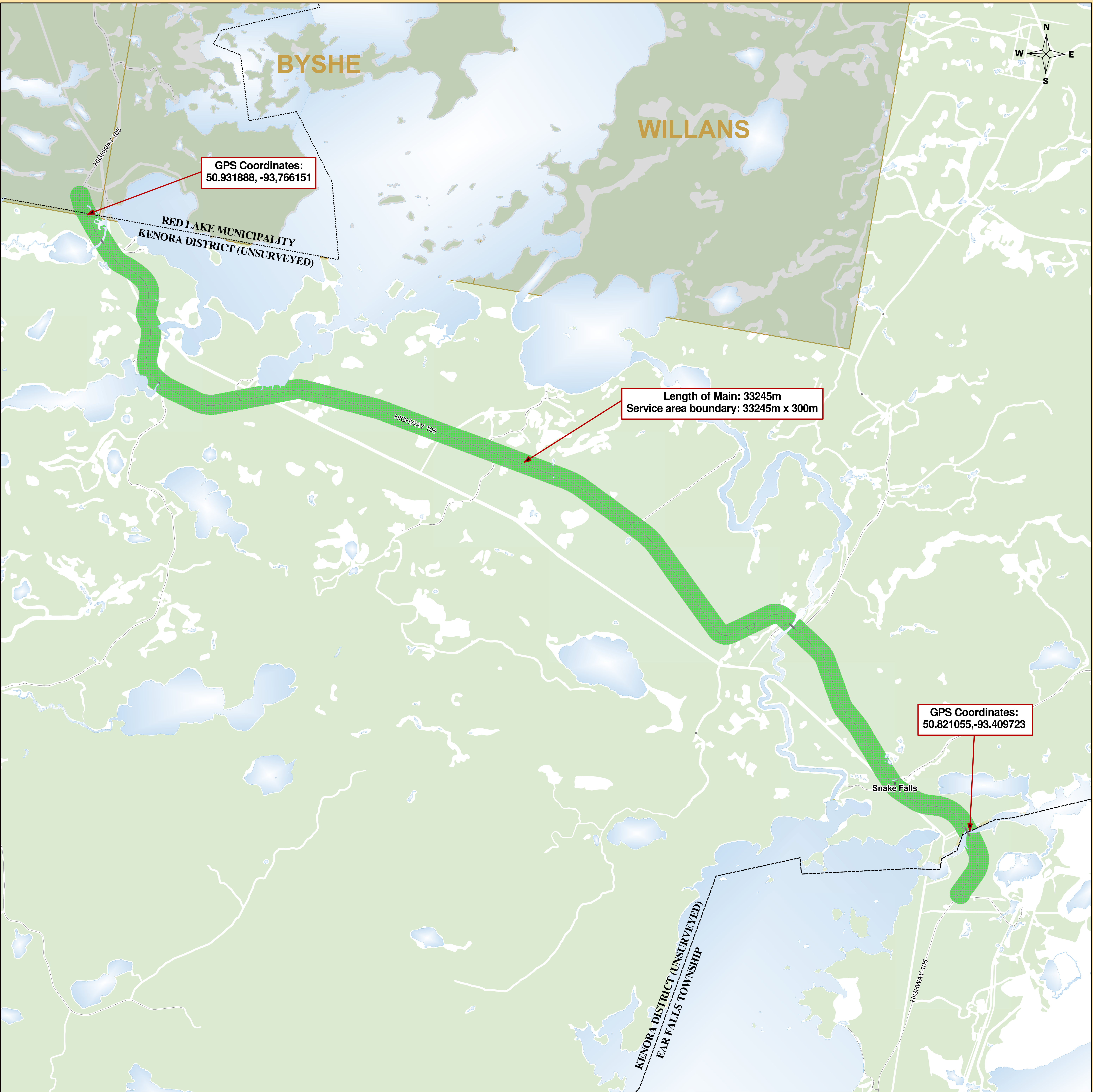
Legend

- Union Gas Pipeline Coverage Area
- Kenora District (unsurveyed) - Buller TP to Ear Falls TP
- 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



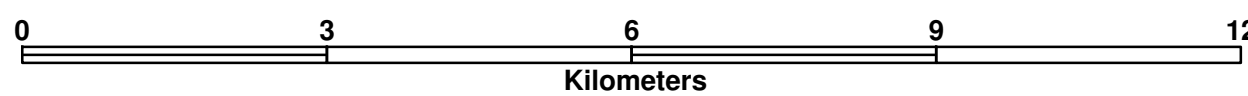
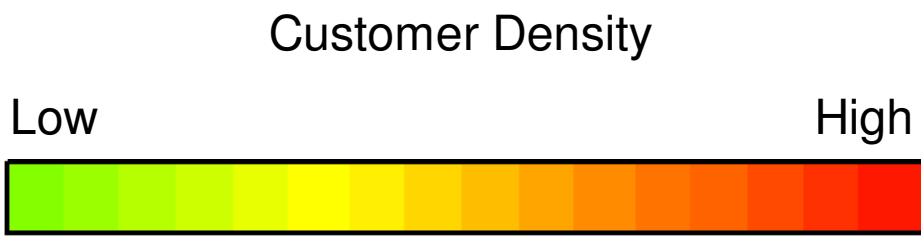


KENORA DISTRICT (UNSURVEYED)

(Ear Falls Township to Red Lake Municipality)

Legend

- Union Gas Pipeline Coverage Area
- Kenora District (unsurveyed) - Ear Falls TP to Red Lake Mun.
- Roads
- Railway
- Municipal and Township Boundaries
- First Nation Boundaries



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