

500 Consumers Road  
North York, Ontario  
M2J 1P8  
PO Box 650  
Scarborough ON M1K 5E3

**Lesley Austin**  
Assistant Regulatory Coordinator  
Regulatory Proceedings  
phone: (416) 495-6505  
fax: (416) 495-6072



**RECEIVED**

MAR 24 2008 <sup>FL.</sup>

**VIA COURIER**

ONTARIO ENERGY BOARD

March 20, 2008 *24/3/08*

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

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc.  
Affidavit of Service and Publication for a Gas Franchise and Certificate of  
Public Convenience and Necessity with the Township of North Stormont  
Ontario Energy Board File No. EB-2007-0955/EB-2007-0956**

*EB-2007-0955*

OFF BOARD SECRETARY	
File No.	Submitter: <i>6</i>
Panel	
Licensing	<i>Nabih M.</i>
Other	<i>Mona H.</i>
	<i>S.</i>
00/04	

Pursuant to the Ontario Energy Board's Letter of Direction dated January 23, 2008, enclosed is my Affidavit of Service and Publication on behalf of Enbridge Gas Distribution Inc. with respect to the application for a Franchise Agreement and a Certificate of public convenience and necessity for the Township of North Stormont.

Sincerely,

Lesley Austin  
Assistant, Regulatory Coordinator

*Last Day of Publication:  
Feb. 16, 2008*

cc: Tania Persad – EGD, Senior Legal Counsel, Regulatory  
Peter Valiquet – Manager, Sales & Delivery Eastern Region (letter only)

Enclosure

**ONTARIO ENERGY BOARD**


**IN THE MATTER OF** *the Municipal Franchises Act*,  
R.S.O. 1998c. M.55, as amended;

**AND IN THE MATTER OF** an application by  
Enbridge Gas Distribution Inc. for an order granting  
the right to construct or operate works for the  
distribution of gas, and the right to extend or add to  
the works, in the Township of North Stormont;

**AND IN THE MATTER OF** an application by  
Enbridge Gas Distribution Inc. for an order granting a  
certificate of public convenience and necessity to  
construct works to supply gas in the Township of  
North Stormont;

**AFFIDAVIT OF SERVICE AND PUBLICATION**

I, LESLEY M. AUSTIN, of the former City of North York in the City of Toronto make oath  
and say as follows:

1. I am in the employ of Enbridge Gas Distribution Inc. ("Enbridge") and as such  
have knowledge of the matters hereinafter deposed to.
2. Pursuant to the January 23, 2008 Letter of Direction I caused a copy of the  
Notice of Application and Hearing ("Notice") to be published in an English-  
language and French-language, local newspaper having the highest paid  
circulation according to the best information available, in the Corporation of the  
Township of North Stormont.
3. Attached hereto and marked as Exhibit "A" is the English version of the Notice  
as published on Saturday, February 16, 2008 in the *Cornwall Standard-  
Freeholder*. Exhibit "B" is the French version of the Notice as published in *Le  
Droit* on Saturday, February 16, 2008. 
4. Pursuant to the January 9, 2008 Letter of Direction I caused to be served by  
courier, a copy of the Notice, together with a copy of the Application, on the  
Clerk of the Township of North Stormont. Attached hereto and marked as  
Exhibit "C" please find a copy of the aforesaid Notice and relevant Application.

- Sworn before me in the City of Toronto, )  
this 20<sup>th</sup> day of March, 2008. )

Andrew Am. Boston

**Barbara Ann Bodnar, a Commissioner, etc.,  
Province of Ontario, for Enbridge Gas Distribution Inc.,  
and its subsidiaries, associates and affiliates.  
Expires September 2, 2008.**

  
Lesley M

Lesley M. Austin

THIS IS EXHIBIT " A " REFERRED TO IN THE  
AFFIDAVIT OF Lesley Austin  
SWORN TO ME THIS 20<sup>th</sup> DAY OF  
March, 2008



A Commissioner, etc.

Barbara Ann Bodnar, a Commissioner, etc.,  
Province of Ontario, for Enbridge Gas Distribution Inc.,  
and its subsidiaries, associates and affiliates.  
Expires September 2, 2008.





**NOTICE OF APPLICATION  
AND  
NOTICE OF WRITTEN HEARING  
GAS FRANCHISE APPROVAL AND APPROVAL TO ESTABLISH  
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
FOR THE TOWNSHIP OF NORTH STORMONT**

Enbridge Gas Distribution Inc. (the "Applicant") has filed an application dated December 18, 2007, and updated on January 9, 2008 with the Ontario Energy Board (the "Board") under section 9 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"), for an order of the Board approving the terms and conditions upon which and the period for which the Corporation of the Township of North Stormont (the "Corporation") is, by by-law, to grant to the Applicant the right to construct and operate works for the distribution of gas and the right to extend and add to the works in the Municipality of North Stormont (the "Municipality"). The Applicant has also applied for an order of the Board declaring and directing that the assent of the municipal electors to the by-law is not necessary.

The Applicant has also, pursuant to section 8 of the Act, applied for an order of the Board granting a Certificate of Public Convenience and Necessity ("Certificate") for the former Township of Roxborough within the Township of North Stormont.

Effective January 1, 1998 the former Township of Finch, the Village of Finch, and the Township of Roxborough amalgamated to form the Township of North Stormont. Union Gas Limited has a certificate of public convenience and necessity for the former Township of Finch and for the former Village of Finch.

The application will be decided by the Manager, Facilities Applications, who has been delegated this authority pursuant to section 6 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B). The Manager, Facilities Applications does not intend to provide for an award of costs when deciding this application.

Copies of the application and pre-filed evidence will be available for public inspection at the Board's offices, the Applicant's offices, and at the office of the Corporation at the addresses indicated below.

The Board intends to proceed with the application by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board within 7 days of the publication date of this Notice.

If you wish to participate in the written hearing, you must forward three copies of your written submissions to the Assistant Secretary of the Board and one copy to the applicant at the addresses below. All submissions must be received no later than 14 days after the publication date of this Notice. If the Applicant wishes to respond to the written submissions, such response must be received by the Board no later than 21 days after the publication date of this Notice. All submissions must quote file nos. EB-2007-0955 and EB-2007-0956, clearly state the sender's name and address, and be received by the Board Secretary by 4:45 p.m. on the required dates.

**IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.**

**ADDRESSES**  
(for viewing of copies of application)

**Ontario Energy Board**  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Kirsten Walli  
Board Secretary  
Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**Corporation of the Township  
of North Stormont**  
2 Berwick Victoria Street  
P.O. Box 99  
Berwick ON K0C 1G0

Attention: Karen McPherson  
Township Clerk  
Tel: (613) 984-2821  
Fax: (613) 984-2908

**Enbridge Gas Distribution Inc.**  
(Head Office)  
500 Consumers Road  
Toronto ON M2J 1P8


Attn: Tania Persad  
Senior Legal Counsel, Regulatory  
Tel: (416) 495-5891  
Fax: (416) 495-5994

**Enbridge Gas Distribution Inc.**  
(Regional Office)  
400 Coventry Road  
Ottawa ON K1K 2C7

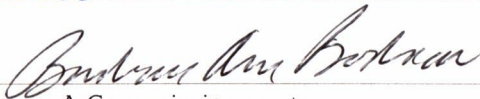
Attn: Peter Valiquet  
Manager, Sales & Delivery  
Tel: (613) 748-6724  
Fax: (613) 748-6894

**DATED** at Toronto, January 23, 2008

**ONTARIO ENERGY BOARD**

  
Kirsten Walli,  
Board Secretary

THIS IS EXHIBIT " B " REFERRED TO IN THE  
AFFIDAVIT OF Lesley Austin  
SWORN TO ME THIS 20th DAY OF  
March, 2008



A Commissioner, etc.

Barbara Ann Beednar, a Commissioner, etc.,  
Province of Ontario, for Enbridge Gas Distribution Inc.,  
and its subsidiaries, associates and affiliates.  
Expires September 2, 2008.





AVIS DE REQUÊTE

ET

D'AUDIENCE ÉCRITE

EN VUE D'OBTENIR UNE AUTORISATION DE CONCESSION DE GAZ  
ET L'AUTORISATION D'ÉTABLIR UN CERTIFICAT D'INTÉRÊT PUBLIC  
ET DE NÉCESSITÉ POUR LE CANTON DE NORTH STORMONT

EB-2007-0955  
EB-2007-0956

Enbridge Gas Distribution Inc. (ci-après, le « Requêteur ») a déposé une requête datée du 18 décembre 2007, et mise à jour le 9 janvier 2008, auprès de la Commission de l'énergie de l'Ontario (ci-après, la « Commission ») en vertu de l'article 9 de la *Loi sur les concessions municipales*, L.R.O. 1990, c. M. 55, telle que modifiée (ci-après, la « Loi »), en vue d'obtenir une ordonnance de la Commission établissant les conditions et la période selon lesquelles la Corporation of the Township of North Stormont (ci-après, la « Corporation ») accordera au Requêteur, par voie de règlement, le droit de construire et d'exploiter des ouvrages de distribution du gaz et de les agrandir ainsi que d'y effectuer des ajouts dans la municipalité de North Stormont (ci-après, la « Municipalité »). Le Requêteur a également présenté une requête en vue d'obtenir une ordonnance de la Commission déclarant et ordonnant que l'accord des électeurs municipaux à l'égard du règlement n'est pas nécessaire.

Le Requêteur a également présenté, aux termes de l'article 8 de la Loi, une requête visant à obtenir une ordonnance de la Commission qui accorde un certificat d'intérêt public et de nécessité (ci-après, le « Certificat ») pour l'ancien canton de Roxborough, situé au sein du canton de North Stormont.

Le 1<sup>er</sup> janvier 1998, l'ancien canton de Finch, le village de Finch et le canton de Roxborough ont été fusionnés pour former le canton de North Stormont. Union Gas Limited détient un certificat d'intérêt public et de nécessité pour l'ancien canton de Finch et l'ancien village de Finch.

La décision concernant la requête sera prise par le directeur, Requêtes relatives aux installations, qui a reçu ce pouvoir aux termes de l'article 6 de la *Loi de 1998 sur la Commission de l'énergie de l'Ontario*, L.O., c. 15 (Annexe B). Le directeur, Requêtes relatives aux installations, n'entend pas attribuer de frais dans le cadre de sa décision.

Des exemplaires de la requête et des documents déposés avant l'audience sont disponibles pour consultation publique dans les bureaux de la Commission, les bureaux du Requêteur et le bureau de la Corporation aux adresses indiquées ci-dessous.

La Commission entend procéder par voie d'audience écrite, à moins qu'une partie ne présente à la Commission des raisons qui justifient de ne pas tenir une telle audience. Si vous avez des objections à ce que la Commission tienne une audience dans cette affaire, vous devez fournir des arguments écrits précisant en quoi une audience orale est nécessaire. Les objections à une audience écrite doivent parvenir à la Commission dans les sept jours suivant la publication du présent avis.

Si vous désirez participer à l'audience écrite, vous devez faire parvenir trois exemplaires de vos observations écrites au secrétaire adjoint de la Commission et un exemplaire au requérant aux adresses indiquées ci-dessous. Toutes les observations doivent parvenir à la Commission au plus tard 14 jours après la date de publication du présent avis. Si le requérant entend répondre aux observations écrites, il doit faire parvenir sa réponse à la Commission au plus tard 21 jours après la publication du présent avis. Toutes les observations doivent citer les numéros de dossier EB-2007-0955 et EB-2007-0956, indiquer clairement le nom, l'adresse, le numéro de télécopieur et l'adresse électronique de l'expéditeur, et parvenir au secrétaire de la Commission avant 16 h 45 aux dates prescrites.

**SI VOUS NE PRÉSENTEZ PAS D'OBSERVATIONS ÉCRITES S'OPPOSANT À UNE AUDIENCE ÉCRITE OU SI VOUS NE PARTICIPEZ PAS À L'AUDIENCE EN DÉPOSANT DES OBSERVATIONS ÉCRITES CONFORMÉMENT AUX TERMES DU PRÉSENT AVIS, LA COMMISSION PEUT PROCÉDER SANS VOTRE PARTICIPATION ET VOUS NE RECEVREZ AUCUN AUTRE AVIS CONCERNANT CETTE INSTANCE.**

ADRESSES

(Pour consulter un exemplaire de la requête)

**Commission de l'énergie de l'Ontario**  
C.P. 2319, 27<sup>e</sup> étage  
2300, rue Yonge  
Toronto (Ontario) M4P 1E4

À l'attention de : Kirsten Walli  
Secrétaire de la Commission

Tél. : 1 888 632-6273 (sans frais)  
Téléc. : 416 440-7656

**La Corporation of the Township  
of North Stormont**  
2, rue Berwick Victoria  
C.P. 99  
Berwick (Ontario) K0C 1G0

À l'attention de : Karen McPherson  
Greffière

Tél. : 613 984-2821  
Téléc. : 613 984-2908

**Enbridge Gas Distribution Inc.**  
(Bureau central)  
500, chemin Consumers  
Toronto (Ontario) M2J 1P8

À l'attention de : Tania Persad  
Avocate principale,  
Réglementation

Tél. : 416 495-5891  
Téléc. : 416 495-5994

**Enbridge Gas Distribution Inc.**  
(Bureau régional)  
400, chemin Coventry  
Ottawa (Ontario) K1K 2C7

À l'attention de : Peter Valiquet  
Chef, Ventes et Livraison

Tél. : 613 748-6724  
Téléc. : 613 748-6894

COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Fait à Toronto le 23 janvier 2008

Kirsten Walli  
Secrétaire de la Commission

THIS IS EXHIBIT "C" REFERRED TO IN THE  
AFFIDAVIT OF Lesley Austin  
SWORN TO ME THIS 20th DAY OF  
March, 2008

  
A Commissioner, etc.

Barbara Ann Bodnar, a Commissioner, etc.,  
Province of Ontario, for Enbridge Gas Distribution Inc.,  
and its subsidiaries, associates and affiliates.  
Expires September 2, 2008.



500 Consumers Road  
North York, Ontario  
M2J 1P8  
PO Box 650  
Scarborough ON M1K 5E3

**Lesley Austin**  
Assistant Regulatory Coordinator  
Regulatory Proceedings  
phone: (416) 495-6505  
fax: (416) 495-6072



**VIA COURIER**

January 29, 2008

Ms. Karen McPherson  
Clerk  
Township of North Stormont  
P.O. Box 99  
2 Berwick Victoria Street  
Berwick, ON  
K0C 1G0

Dear Ms. McPherson,

**Re: Enbridge Gas Distribution Inc. – Application for a Franchise Agreement and Certificate of Public Convenience and Necessity with the former Township of Roxborough within the Township of North Stormont  
Board File No. EB-2007-0955 and EB-2007-0956**

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As per a Letter of Direction from the Ontario Energy Board, dated January 23, 2008, attached please find a copy of the Ontario Energy Board's Notice of Application and Hearing, and Enbridge's updated Application dated January 9, 2008 along with the full Application dated December 18, 2007 for a franchise agreement and a certificate of public convenience and necessity for the former Township of Roxborough within the Township of North Stormont.

Sincerely,

A handwritten signature in cursive script that reads 'Lesley Austin'.

Lesley Austin  
Assistant, Regulatory Coordinator

**Attachment**

cc: Tania Persad – EGD, Senior Legal Counsel, Regulatory (letter only)  
Peter Valiquet – Manager, Sales & Delivery (letter only)  
Franklin V. Simpson – Project Manager, Sales & Delivery (letter only)



**EB-2007-0955**

**EB-2007-0956**

**NOTICE OF APPLICATION  
AND  
NOTICE OF WRITTEN HEARING**

**GAS FRANCHISE APPROVAL AND APPROVAL TO ESTABLISH  
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
FOR THE TOWNSHIP OF NORTH STORMONT**

Enbridge Gas Distribution Inc. ( the "Applicant") has filed an application dated December 18, 2007, and updated on January 9, 2008 with the Ontario Energy Board (the "Board") under section 9 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"), for an order of the Board approving the terms and conditions upon which and the period for which the Corporation of the Township of North Stormont (the "Corporation") is, by by-law, to grant to the Applicant the right to construct and operate works for the distribution of gas and the right to extend and add to the works in the Municipality of North Stormont (the "Municipality"). The Applicant has also applied for an order of the Board declaring and directing that the assent of the municipal electors to the by-law is not necessary.

The Applicant has also, pursuant to section 8 of the Act, applied for an order of the Board granting a Certificate of Public Convenience and Necessity ("Certificate") for the former Township of Roxborough within the Township of North Stormont.

Effective January 1, 1998 the former Township of Finch, the Village of Finch, and the Township of Roxborough amalgamated to form the Township of North Stormont. Union Gas Limited has a certificate of public convenience and necessity for the former Township of Finch and for the former Village of Finch.



The application will be decided by the Manager, Facilities Applications, who has been delegated this authority pursuant to section 6 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B). The Manager, Facilities Applications does not intend to provide for an award of costs when deciding this application.

Copies of the application and pre-filed evidence will be available for public inspection at the Board's offices, the Applicant's offices, and at the office of the Corporation at the addresses indicated below.

The Board intends to proceed with the application by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board within 7 days of the publication date of this Notice.

If you wish to participate in the written hearing, you must forward three copies of your written submissions to the Assistant Secretary of the Board and one copy to the applicant at the addresses below. All submissions must be received no later than 14 days after the publication date of this Notice. If the Applicant wishes to respond to the written submissions, such response must be received by the Board no later than 21 days after the publication date of this Notice. All submissions must quote file nos. EB-2007-0955 and EB-2007-0956, clearly state the sender's name and address, and be received by the Board Secretary by 4:45 p.m. on the required dates.

**IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.**

**ADDRESSES**  
(for viewing of copies of application)

**Ontario Energy Board**  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Attn: Kirsten Walli  
Board Secretary

Tel: 1-888-632-6273 (Toll free)  
Fax: (416) 440-7656

**Enbridge Gas Distribution Inc.**  
(Head Office)  
500 Consumers Road  
Toronto ON M2J 1P8

Attn: Tania Persad  
Senior Legal Counsel, Regulatory

Tel: (416) 495-5891  
Fax: (416) 495-5994

**Corporation of the Township of  
North Stormont**  
2 Berwick Victoria Street  
P.O. Box 99  
Berwick ON K0C 1G0

Attn: Karen McPherson  
Township Clerk

Tel: (613) 984-2821  
Fax: (613) 984-2908

**Enbridge Gas Distribution Inc.**  
(Regional Office)  
400 Coventry Road  
Ottawa ON K1K 2C7

Attn: Peter Valiquet  
Manager, Sales & Delivery

Tel: (613) 748-6724  
Fax: (613) 748-6894

**DATED at** Toronto, January 23, 2008

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary





EB-2007-0955

EB-2007-0956

**AVIS DE REQUÊTE  
ET  
D'AUDIENCE ÉCRITE**

**EN VUE D'OBTENIR UNE AUTORISATION DE CONCESSION DE GAZ  
ET L'AUTORISATION D'ÉTABLIR UN CERTIFICAT D'INTÉRÊT PUBLIC  
ET DE NÉCESSITÉ POUR LE CANTON DE NORTH STORMONT**

Enbridge Gas Distribution Inc. (ci-après, le « Requéant ») a déposé une requête datée du 18 décembre 2007, et mise à jour le 9 janvier 2008, auprès de la Commission de l'énergie de l'Ontario (ci-après, la « Commission ») en vertu de l'article 9 de la *Loi sur les concessions municipales*, L.R.O. 1990, c. M. 55, telle que modifiée (ci-après, la « Loi »), en vue d'obtenir une ordonnance de la Commission établissant les conditions et la période selon lesquelles la Corporation of the Township of North Stormont (ci-après, la « Corporation ») accordera au Requéant, par voie de règlement, le droit de construire et d'exploiter des ouvrages de distribution du gaz et de les agrandir ainsi que d'y effectuer des ajouts dans la municipalité de North Stormont (ci-après, la « Municipalité »). Le Requéant a également présenté une requête en vue d'obtenir une ordonnance de la Commission déclarant et ordonnant que l'accord des électeurs municipaux à l'égard du règlement n'est pas nécessaire.

Le Requéant a également présenté, aux termes de l'article 8 de la Loi, une requête visant à obtenir une ordonnance de la Commission qui accorde un certificat d'intérêt public et de nécessité (ci-après, le « Certificat ») pour l'ancien canton de Roxborough, situé au sein du canton de North Stormont.

Le 1<sup>er</sup> janvier 1998, l'ancien canton de Finch, le village de Finch et le canton de Roxborough ont été fusionnés pour former le canton de North Stormont. Union Gas

Limited détient un certificat d'intérêt public et de nécessité pour l'ancien canton de Finch et l'ancien village de Finch.

La décision concernant la requête sera prise par le directeur, Requêtes relatives aux installations, qui a reçu ce pouvoir aux termes de l'article 6 de la *Loi de 1998 sur la Commission de l'énergie de l'Ontario*, L.O., c. 15 (Annexe B). Le directeur, Requêtes relatives aux installations, n'entend pas attribuer de frais dans le cadre de sa décision.

Des exemplaires de la requête et des documents déposés avant l'audience sont disponibles pour consultation publique dans les bureaux de la Commission, les bureaux du Requéant et le bureau de la Corporation aux adresses indiquées ci-dessous.

La Commission entend procéder par voie d'audience écrite, à moins qu'une partie ne présente à la Commission des raisons qui justifient de ne pas tenir une telle audience. Si vous avez des objections à ce que la Commission tienne une audience dans cette affaire, vous devez fournir des arguments écrits précisant en quoi une audience orale est nécessaire. Les objections à une audience écrite doivent parvenir à la Commission dans les sept jours suivant la publication du présent avis.

Si vous désirez participer à l'audience écrite, vous devez faire parvenir trois exemplaires de vos observations écrites au secrétaire adjoint de la Commission et un exemplaire au requérant aux adresses indiquées ci-dessous. Toutes les observations doivent parvenir à la Commission au plus tard 14 jours après la date de publication du présent avis. Si le requérant entend répondre aux observations écrites, il doit faire parvenir sa réponse à la Commission au plus tard 21 jours après la publication du présent avis. Toutes les observations doivent citer les numéros de dossier EB-2007-0955 et EB-2007-0956, indiquer clairement le nom, l'adresse, le numéro de télécopieur et l'adresse électronique de l'expéditeur, et parvenir au secrétaire de la Commission avant 16 h 45 aux dates prescrites.

**SI VOUS NE PRÉSENTEZ PAS D'OBSERVATIONS ÉCRITES S'OPPOSANT À UNE AUDIENCE ÉCRITE OU SI VOUS NE PARTICIPEZ PAS À L'AUDIENCE EN DÉPOSANT DES OBSERVATIONS ÉCRITES CONFORMÉMENT AUX TERMES DU PRÉSENT AVIS, LA COMMISSION PEUT PROCÉDER SANS VOTRE PARTICIPATION ET VOUS NE RECEVREZ AUCUN AUTRE AVIS CONCERNANT CETTE INSTANCE.**



## ADRESSES

(Pour consulter un exemplaire de la requête)

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

C.P. 2319, 27<sup>e</sup> étage  
2300, rue Yonge  
Toronto (Ontario) M4P 1E4

À l'attention de :

Kirsten Walli  
Secrétaire de la Commission

Tél. : 1 888 632-6273 (sans frais)

Télec. : 416 440-7656

### **Enbridge Gas Distribution Inc.**

(Bureau central)  
500, chemin Consumers  
Toronto (Ontario) M2J 1P8

À l'attention de :

M<sup>me</sup> Tania Persad  
Avocate principale,  
Réglementation

Tél. : 416 495-5891

Télec. : 416 495-5994

### **La Corporation of the Township of North Stormont**

2, rue Berwick Victoria  
C.P. 99  
Berwick (Ontario) K0C 1G0

À l'attention de :

Karen McPherson  
Greffière

Tél. : 613 984-2821

Télec. : 613 984-2908

### **Enbridge Gas Distribution Inc.**

(Bureau régional)  
400, chemin Coventry  
Ottawa (Ontario) K1K 2C7

À l'attention de :

Peter Valiquet  
Chef, Ventes et Livraison

Tél. : 613 748-6724

Télec. : 613 748-6894

**Fait à Toronto le 23 janvier 2008.**

COMMISSION DE L'ÉNERGIE DE L'ONTARIO

*Original signé par*

Kirsten Walli

Secrétaire de la Commission



500 Consumers Road  
North York, Ontario  
M2J 1P8  
PO Box 650  
Scarborough ON M1K 5E3

**Lesley Austin**  
Assistant Regulatory Coordinator  
Regulatory Proceedings  
phone: (416) 495-6505  
fax: (416) 495-6072

**VIA COURIER**

January 9, 2008

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

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. ("Enbridge") Application for a Franchise Agreement and Certificate of Public Convenience and Necessity ("Certificate") with the Corporation of the Township of North Stormont  
EB-2007-0955 and EB-2007-0956**

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On December 18, 2007, Enbridge made an application to the Ontario Energy Board (the "Board") for an order granting approval for a franchise agreement using the 2000 Model Franchise Agreement and for a Certificate, for a portion of the Corporation of the Township of North Stormont, the former Township of Roxborough. Attached please find an updated application which gives specific reference to Enbridge's request for a limited Certificate for the area formerly known as the Township of Roxborough. No changes have been made to the original application's schedules.

Enbridge looks forward to receiving direction from the Board in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lesley Austin', written over a horizontal line.

Lesley Austin  
Assistant, Regulatory Coordinator

Attachment

cc: Tania Persad – EGD, Senior Legal Counsel, Regulatory



**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  
Enbridge Gas Distribution Inc. for an order granting  
the right to construct or operate works for the  
distribution of gas, and the right to extend or add to  
the works, in the Township of North Stormont;

**AND IN THE MATTER OF** an application by  
Enbridge Gas Distribution Inc. for an order granting a  
certificate of public convenience and necessity to  
construct works to supply gas in the Township of  
North Stormont;

**A P P L I C A T I O N**

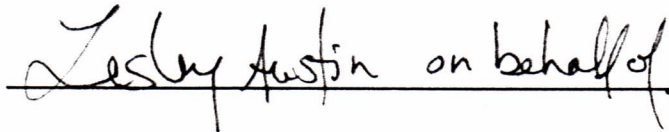
1. Enbridge Gas Distribution Inc. (the "Applicant") is an Ontario corporation with its head office in the City of Toronto.
2. The former Township of Roxborough located within the Corporation of the Township of North Stormont ("Corporation") is a municipal Ontario corporation with its head office at 2 Berwick Victoria Street, Berwick, Ontario K0C 1G0. Attached hereto and marked as Schedule "A" is a map showing the geographical location of the former Township of Roxborough within the Corporation of the Township of North Stormont.
3. The Corporation was formed when the former Township of Finch, Village of Finch, and Township of Roxborough amalgamated on January 1, 1998 to form the Township of the North Stormont.
4. The Applicant wishes to serve the Corporation and respectfully submits that it is in the public interest to do so. Attached hereto and marked as Schedules "B", "C", and "D", respectively, are the signed resolution, the form of the Corporation's by-law granting to the Applicant the franchise approval, and the proposed municipal gas franchise agreement in the form of the Ontario Energy Board ("Board") approved 2000 Model Franchise Agreement, with no amendments and is for a term of twenty years.

5. To serve the Corporation, the Applicant is hereby applying for an order granting a certificate of public convenience and necessity ("Certificate") for the Township of North Stormont limited to the area formerly known as the Township of Roxborough. The Applicant would need a limited Certificate, as Union Gas Limited holds Certificates for the former Township and Village of Finch now amalgamated within the Township of North Stormont.
6. The Applicant is party to exclusive franchise agreements and possesses certificates of public convenience and necessity for the following surrounding municipalities: Township of The Nation (EB-2006-0059), Township of North Glengarry (EB-2006-0333), and the Township of South Glengarry (F.B.C. 195, F.B.C. 198). The nearest municipality served by another natural gas utility (Union Gas Limited) is the Township of South Stormont; which is a shared municipality with Enbridge holding the certificate for the former Township of Osnabrock (F.B.C. 215) and Union holding the certificate for the former Township of Cornwall. Union Gas Limited also holds the certificate for the former Township and Village of Finch now amalgamated within the Township of North Stormont.
7. The Applicant hereby applies to the Board, pursuant to Section 9 of the *Municipal Franchises Act*, R.S.O. c. M.55, for:
  - i) an Order renewing the Applicant's right to distribute, store, and transmit gas in and through the Corporation for such period of time and upon such terms pursuant to the provisions of Schedule "D" attached, or as may otherwise be prescribed by the Board;
  - ii) an Order directing and declaring that the assent of the municipal electors to the terms and conditions of the franchise agreement is not necessary; and
  - iii) an order, pursuant to subsection 8(2) of the *Municipal Franchises Act*, R.S.O. 1990, c. M. 55, as amended (the "Act"), for a certificate of public convenience and necessity to construct works to supply gas in the Corporation.

3. The persons affected by this application are the customers and other residents in the Corporation. Because of the number of such persons, it is impractical to set out their names and addresses herein.

DATED at Toronto this 9<sup>th</sup> day of January, 2008.

ENBRIDGE GAS DISTRIBUTION INC.  
500 Consumers Road  
Toronto ON M2J 1P8  
by its Solicitor

A handwritten signature in black ink, appearing to read "Lesley Austin on behalf of", is written over a horizontal line.

Tania Persad  
Senior Legal Counsel, Regulatory  
Tel: (416) 495-5891  
Fax: (416) 495-5994  
E-mail: [tania.persad@enbridge.com](mailto:tania.persad@enbridge.com)

Mailing Address:  
P.O. Box 650  
Toronto, ON M1K 5E3



500 Consumers Road  
North York, Ontario  
M2J 1P8  
PO Box 650  
Scarborough ON M1K 5E3

Lesley Austin  
Assistant Regulatory Coordinator  
Regulatory Proceedings  
phone: (416) 495-6505  
fax: (416) 495-6072



**VIA COURIER**

December 18, 2007

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

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. ("Enbridge") Application for a Franchise Agreement and Certificate of Public Convenience and Necessity ("Certificate") with the former Township of Roxborough ("Roxborough") within the Township of North Stormont ("North Stormont")**

---

Enbridge wishes to apply to the Ontario Energy Board (the "Board") for an order granting approval for a franchise agreement using the 2000 Model Franchise Agreement and for a certificate of public convenience and necessity. Attached please find four copies of the following:

1. The aforementioned application
2. Schedule A - a map showing the location of the Township
3. Schedule B - an approved Resolution from the Township
4. Schedule C - the form of the Township's By-law
5. Schedule D - the proposed franchise agreement between Enbridge and the Township

By way of background, on January 1, 1998 the Township of Finch, the Village of Finch, and the Township of Roxborough amalgamated to form the Township of North Stormont. Enbridge understands that Union Gas Limited ("Union") has a certificate of public convenience and necessity for the former Township of Finch and the former Village of Finch, which were granted prior to the amalgamation. Enbridge consulted with Union in respect of this proposed system expansion, and can advise that Union expressed no objection.

The Company is party to exclusive franchise agreements and possesses certificates of public convenience and necessity for the following surrounding municipalities: Township of The Nation (EB-2006-0059), Township of North Glengarry (EB-2006-0333), and the Township of South Glengarry (F.B.C. 195, F.B.C. 198). The nearest municipality served by another natural gas utility (Union) is the Township of South Stormont, which is a



shared municipality with Enbridge holding the certificate for the former Township of Osnabruk ( F.B.C. 215). Union also holds the certificate for the former Township and Village of Finch now amalgamated within the Township of North Stormont.

Contact information for this matter is as follows:

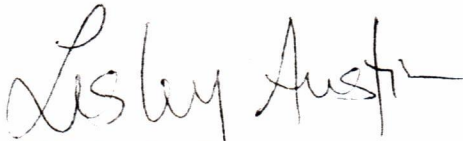
Corporation of the Township of North Stormont  
2 Berwick Victoria Street, P.O. Box 99  
Berwick, Ontario K0C 1G0  
Tel: (613) 984-2821  
Fax: (613) 984-2908  
**Clerk: Karen McPherson**

Enbridge Gas Distribution Inc. (Head Office)  
500 Consumers' Road  
Toronto, Ontario M2J 1P8  
Tel: (416) 495-5891  
Fax: (416) 495-5994  
**Attn: Tania Persad**  
**Senior Legal Counsel, Regulatory**

Enbridge Gas Distribution Inc. (Regional Office)  
400 Coventry Road  
Ottawa, Ontario K1K 2C7  
Tel: (613) 748-6724  
Fax: (613) 748-6894  
**Attn: Peter Valiquet**  
**Manager, Sales & Delivery**

Enbridge looks forward to receiving direction from the Board in this matter.

Sincerely,



**Lesley Austin**  
Assistant, Regulatory Coordinator

Attachment

cc: Tania Persad – EGD, Senior Legal Counsel, Regulatory  
Franklin V. Simpson – EGD, Project Manager – Sales & Delivery, Eastern Region  
John Bonin – Union Gas Limited, Manager Government and Aboriginal Affairs

**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  
Enbridge Gas Distribution Inc. for an order granting  
the right to construct or operate works for the  
distribution of gas, and the right to extend or add to  
the works, in the former Township of Roxborough;

**AND IN THE MATTER OF** an application by  
Enbridge Gas Distribution Inc. for an order granting a  
certificate of public convenience and necessity to  
construct works to supply gas in the former Township  
of Roxborough;

**APPLICATION**

1. Enbridge Gas Distribution Inc. (the "Applicant") is an Ontario corporation with its head office in the City of Toronto.
2. The former Township of Roxborough located within the Corporation of the Township of North Stormont ("Corporation") is a municipal Ontario corporation with its head office at 2 Berwick Victoria Street, Berwick, Ontario K0C 1G0. Attached hereto and marked as Schedule "A" is a map showing the geographical location of the former Township of Roxborough within the Corporation of the Township of North Stormont.
3. The Corporation was formed when the former Township of Finch, Village of Finch, and Township of Roxborough amalgamated on January 1, 1998 to form the Township of the North Stormont.
4. The Applicant wishes to serve the Municipality and respectfully submits that it is in the public interest to do so. Attached hereto and marked as Schedules "B", "C", and "D", respectively, are the signed resolution, the form of the Corporation's by-law granting to the Applicant the franchise approval, and the proposed municipal gas franchise agreement in the form of the Ontario Energy Board ("Board") approved 2000 Model Franchise Agreement, with no amendments and is for a term of twenty years.
5. The Applicant is party to exclusive franchise agreements and possesses certificates of public convenience and necessity for the following surrounding municipalities: Township of The Nation (EB-2006-0059), Township of North Glengarry (EB-2006-0333), and the Township of South Glengarry (F.B.C. 195, F.B.C. 198).



The nearest municipality served by another natural gas utility (Union Gas Limited) is the Township of South Stormont; which is a shared municipality with Enbridge holding the certificate for the former Township of Osnabruck (F.B.C. 215) and Union holding the certificate for the former Township of Cornwall. Union Gas Limited also holds the certificate for the former Township and Village of Finch now amalgamated within the Township of North Stormont.

6. The Applicant hereby applies to the Board, pursuant to Section 9 of the *Municipal Franchises Act*, R.S.O. c. M.55, for:
- i) an Order renewing the Applicant's right to distribute, store, and transmit gas in and through the Municipality for such period of time and upon such terms pursuant to the provisions of Schedule "D" attached, or as may otherwise be prescribed by the Board;
  - ii) an Order directing and declaring that the assent of the municipal electors to the terms and conditions of the franchise agreement is not necessary; and
  - iii) an order, pursuant to subsection 8(2) of the *Municipal Franchises Act*, R.S.O. 1990, c. M. 55, as amended (the "Act"), for a certificate of public convenience and necessity to construct works to supply gas in the Municipality.
7. The persons affected by this application are the customers and other residents in the Municipality. Because of the number of such persons, it is impractical to set out their names and addresses herein.

DATED at Toronto this 18<sup>th</sup> day of December, 2007.

ENBRIDGE GAS DISTRIBUTION INC.  
500 Consumers Road  
Toronto ON M2J 1P8  
by its Solicitor

Tania Persad

Tania Persad  
Senior Legal Counsel, Regulatory  
Tel: (416) 495-5891  
Fax: (416) 495-5994  
E-mail: [tania.persad@enbridge.com](mailto:tania.persad@enbridge.com)

Mailing Address:  
P.O. Box 650  
Toronto, ON M1K 5E3



Former Township of Roxborough  
Amalgamated 01/01/1998 to form part of  
Township of North Stormont

## THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

## RESOLUTION

465

November 13/07

Moved by Lianne Auer-HannaSeconded by Ray Fink

## BE IT RESOLVED:

1. That this Council approves the form of draft By-law (including the franchise agreement forming part thereof) attached hereto and authorizes the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of the Municipal Franchises Act.
2. That this Council requests the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft By-law (including the franchise agreement forming part thereof) pursuant to the provisions of Section 9(4) of the Municipal Franchises Act.

Certified to be a true copy of a resolution passed by the Council of the Corporation of the Township of North Stormont on the 13 day of November, 2007.

Lianne Auer-Hanna  
Mayor

Genette Martin-Stephan  
Deputy Clerk

CERTIFIED A TRUE COPY

K. McPherson  
Clerk and  
Commissioner of Oaths  
Township of North Stormont

THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT  
("CORPORATION")

BY-LAW NUMBER \_\_\_\_\_

**A BY-LAW TO AUTHORIZE A FRANCHISE AGREEMENT  
BETWEEN THE CORPORATION AND  
ENBRIDGE GAS DISTRIBUTION INC.**

---

**WHEREAS** the Council of the Corporation deems it expedient to enter into the attached franchise agreement with Enbridge Gas Distribution Inc.;

**AND WHEREAS** the Ontario Energy Board by its Order issued pursuant to The Municipal Franchises Act on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ has approved the terms and conditions upon which and the period for which the franchise provided for in the attached agreement is proposed to be granted, and has declared and directed that the assent of the municipal electors in respect of this By-law is not necessary;

**NOW THEREFORE BE IT ENACTED:**

1. That the attached franchise agreement between the Corporation Enbridge Gas Distribution Inc. is hereby authorized and the franchise provided for therein is hereby granted.
2. That the Reeve and the Clerk are hereby authorized and instructed on behalf of the Corporation to enter into and execute under its corporate seal and deliver the aforesaid agreement, which agreement is hereby incorporated into and shall form part of this By-law.

**Read the first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Reeve

**Read the third time and ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Reeve



## Model Franchise Agreement

THIS AGREEMENT effective this       day of       , 20       .

BETWEEN: The Corporation of the Township of North Stormont hereinafter  
called the

"Corporation"

- and -

Enbridge Gas Distribution Inc. hereinafter called the "Gas Company"

**WHEREAS** the Gas Company desires to distribute, store and transmit gas in the Municipality upon the terms and conditions of this Agreement;

**AND WHEREAS** by by-law passed by the Council of the Corporation (the "By-law"), the duly authorized officers have been authorized and directed to execute this Agreement on behalf of the Corporation;

**THEREFORE** the Corporation and the Gas Company agree as follows:

### Part I - Definitions

1. In this Agreement:

- a. "decommissioned" and "decommissions" when used in connection with parts of the gas system, mean any parts of the gas system taken out of active use and purged in accordance with the applicable CSA standards and in no way affects the use of the term 'abandoned' pipeline for the purposes of the Assessment Act;
- b. "Engineer/Road Superintendent" means the most senior individual employed by the Corporation with responsibilities for highways within the Municipality or the person designated by such senior employee or such other person as may from time to time be designated by the Council of the Corporation;
- c. "gas" means natural gas, manufactured gas, synthetic natural gas, liquefied petroleum gas or propane-air gas, or a mixture of any of them, but does not include a liquefied petroleum gas that is distributed by means other than a pipeline;

- d. "gas system" means such mains, plants, pipes, conduits, services, valves, regulators, curb boxes, stations, drips or such other equipment as the Gas Company may require or deem desirable for the distribution, storage and transmission of gas in or through the Municipality;
- e. "highway" means all common and public highways and shall include any bridge, viaduct or structure forming part of a highway, and any public square, road allowance or walkway and shall include not only the travelled portion of such highway, but also ditches, driveways, sidewalks, and sodded areas forming part of the road allowance now or at any time during the term hereof under the jurisdiction of the Corporation;
- f. "Model Franchise Agreement" means the form of agreement which the Ontario Energy Board uses as a standard when considering applications under the Municipal Franchises Act. The Model Franchise Agreement may be changed from time to time by the Ontario Energy Board;
- g. "Municipality" means the territorial limits of the Corporation on the date when this Agreement takes effect, and any territory which may thereafter be brought within the jurisdiction of the Corporation;
- h. "Plan" means the plan described in Paragraph 5 of this Agreement required to be filed by the Gas Company with the Engineer/Road Superintendent prior to commencement of work on the gas system; and
- i. whenever the singular, masculine or feminine is used in this Agreement, it shall be considered as if the plural, feminine or masculine has been used where the context of the Agreement so requires.

## **Part II - Rights Granted**

2. To provide gas service:

The consent of the Corporation is hereby given and granted to the Gas Company to distribute, store and transmit gas in and through the Municipality to the Corporation and to the inhabitants of the Municipality.



3. To Use Highways.

Subject to the terms and conditions of this Agreement the consent of the corporation is hereby given and granted to the Gas Company to enter upon all highways now or at any time hereafter under the jurisdiction of the Corporation and to lay, construct, maintain, replace, remove, operate and repair a gas system for the distribution, storage and transmission of gas in and through the Municipality.

4. Duration of Agreement and Renewal Procedures.

- a. If the Corporation has not previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law.

or

- b. If the Corporation has previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law provided that, if during the 20-year term this agreement, the Model Franchise Agreement is changed, then on the 7th anniversary and on the 14th anniversary of the date of the passing of the By-law, this Agreement shall be deemed to be amended to incorporate any changes in the Model Franchise Agreement in effect on such anniversary dates. Such deemed amendments shall not apply to alter the 20-year term.
- c. At any time within two years prior to the expiration of this Agreement, either party may give notice to the other that it desires to enter into negotiations for a renewed franchise upon such terms and conditions as may be agreed upon. Until such renewal has been settled, the terms and conditions of this Agreement shall continue, notwithstanding the expiration of this Agreement. This shall not preclude either party from applying to the Ontario Energy Board for a renewal of the Agreement pursuant to section 10 of the Municipal Franchises Act.



### **Part III - Conditions**

#### **5. Approval of Construction**

- a. The Gas Company shall not undertake any excavation, opening or work which will disturb or interfere with the surface of the travelled portion of any highway unless a permit therefor has first been obtained from the Engineer/Road Superintendent and all work done by the Gas Company shall be to his satisfaction.
- b. Prior to the commencement of work on the gas system, or any extensions or changes to it (except service laterals which do not interfere with municipal works in the highway), the Gas Company shall file with the Engineer/Road Superintendent a Plan, satisfactory to the Engineer/Road Superintendent, drawn to scale and of sufficient detail considering the complexity of the specific locations involved, showing the highways in which it proposes to lay its gas system and the particular parts thereof it proposes to occupy.
- c. The Plan filed by the Gas Company shall include geodetic information for a particular location:
  - i. where circumstances are complex, in order to facilitate known projects, including projects which are reasonably anticipated by the Engineer/Road Superintendent, or
  - ii. when requested, where the Corporation has geodetic information for its own services and all others at the same location.
- d. The Engineer/Road Superintendent may require sections of the gas system to be laid at greater depth than required by the latest CSA standard for gas pipeline systems to facilitate known projects or to correct known highway deficiencies.
- e. Prior to the commencement of work on the gas system, the Engineer/Road Superintendent must approve the location of the work as shown on the Plan filed by the Gas Company, the timing of the work and any terms and conditions relating to the installation of the work.
- f. In addition to the requirements of this Agreement, if the Gas Company proposes to affix any part of the gas system to a bridge, viaduct or other structure, if the Engineer/Road Superintendent approves this proposal, he may require the Gas Company to comply with special

conditions or to enter into a separate agreement as a condition of the approval of this part of the construction of the gas system.

- g. Where the gas system may affect a municipal drain, the Gas Company shall also file a copy of the Plan with the Corporation's Drainage Superintendent for purposes of the Drainage Act, or such other person designated by the Corporation as responsible for the drain.
- h. The Gas Company shall not deviate from the approved location for any part of the gas system unless the prior approval of the Engineer/Road Superintendent to do so is received.
- i. The Engineer/Road Superintendent's approval, where required throughout this Paragraph, shall not be unreasonably withheld.
- j. The approval of the Engineer/Road Superintendent is not a representation or warranty as to the state of repair of the highway or the suitability of the highway for the gas system.

#### 6. As Built Drawings

The Gas Company shall, within six months of completing the installation of any part of the gas system, provide two copies of "as built" drawings to the Engineer/Road Superintendent. These drawings must be sufficient to accurately establish the location, depth (measurement between the top of the gas system and the ground surface at the time of installation) and distance of the gas system. The "as built" drawings shall be of the same quality as the Plan and, if the approved pre-construction plan included elevations that were geodetically referenced, the "as built" drawings shall similarly include elevations that are geodetically referenced. Upon the request of the Engineer/Road Superintendent, the Gas Company shall provide one copy of the drawings in an electronic format and one copy as a hard copy drawing.

#### 7. Emergencies

In the event of an emergency involving the gas system, the Gas Company shall proceed with the work required to deal with the emergency, and in any instance where prior approval of the Engineer/Road Superintendent is normally required for the work, the Gas Company shall use its best efforts to immediately notify the Engineer/Road Superintendent of the location and nature of the emergency and the work being done and, if it deems appropriate, notify the police force, fire or other emergency services having jurisdiction. The Gas Company shall provide the Engineer/Road Superintendent with at least one 24 hour emergency contact for the Gas Company and shall ensure the contacts are current.



8. Restoration

The Gas Company shall well and sufficiently restore, to the reasonable satisfaction of the Engineer/Road Superintendent, all highways, municipal works or improvements which it may excavate or interfere with in the course of laying, constructing, repairing or removing its gas system, and shall make good any settling or subsidence thereafter caused by such excavation or interference. If the Gas Company fails at any time to do any work required by this Paragraph within a reasonable period of time, the Corporation may do or cause such work to be done and the Gas Company shall, on demand, pay the Corporation's reasonably incurred costs, as certified by the Engineer/Road Superintendent.

9. Indemnification

The Gas Company shall, at all times, indemnify and save harmless the Corporation from and against all claims, including costs related thereto, for all damages or injuries including death to any person or persons and for damage to any property, arising out of the Gas Company operating, constructing, and maintaining its gas system in the Municipality, or utilizing its gas system for the carriage of gas owned by others. Provided that the Gas Company shall not be required to indemnify or save harmless the Corporation from and against claims, including costs related thereto, which it may incur by reason of damages or injuries including death to any person or persons and for damage to any property, resulting from the negligence or wrongful act of the Corporation, its servants, agents or employees.

10. Insurance

- a. The Gas Company shall maintain Comprehensive General Liability Insurance in sufficient amount and description as shall protect the Gas Company and the Corporation from claims for which the Gas Company is obliged to indemnify the Corporation under Paragraph 9. The insurance policy shall identify the Corporation as an additional named insured, but only with respect to the operation of the named insured (the Gas Company). The insurance policy shall not lapse or be cancelled without sixty (60) days' prior written notice to the Corporation by the Gas Company.
- b. The issuance of an insurance policy as provided in this Paragraph shall not be construed as relieving the Gas Company of liability not covered by such insurance or in excess of the policy limits of such insurance.



- c. Upon request by the Corporation, the Gas Company shall confirm that premiums for such insurance have been paid and that such insurance is in full force and effect.

#### 11. Alternative Easement

The Corporation agrees, in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence, to give the Gas Company reasonable notice of such proposed sale or closing and, if is feasible, to provide the Gas Company with easements over that part of the highway proposed to be sold or closed sufficient to allow the Gas Company to preserve any part of the gas system in its then existing location. In the event that such easements cannot be provided, the Corporation and the Gas Company shall share the cost of relocating or altering the gas system to facilitate continuity of gas service, as provided for in Paragraph 12 of this Agreement.

#### 12. Pipeline Relocation

- a. If in the course of constructing, reconstructing, changing, altering or improving any highway or any municipal works, the Corporation deems that it is necessary to take up, remove or change the location of any part of the gas system, the Gas Company shall, upon notice to do so, remove and/or relocate within a reasonable period of time such part of the gas system to a location approved by the Engineer/Road Superintendent.
- b. Where any part of the gas system relocated in accordance with this Paragraph is located on a bridge, viaduct or structure, the Gas Company shall alter or relocate that part of the gas system at its sole expense.
- c. Where any part of the gas system relocated in accordance with this Paragraph is located other than on a bridge, viaduct or structure, the costs of relocation shall be shared between the Corporation and the Gas Company on the basis of the total relocation costs, excluding the value of any upgrading of the gas system, and deducting any contribution paid to the Gas Company by others in respect to such relocation; and for these purposes, the total relocation costs shall be the aggregate of the following:
  - i. the amount paid to Gas Company employees up to and including field supervisors for the hours worked on the project plus the current cost of fringe benefits for these employees,

- ii. the amount paid for rental equipment while in use on the project and an amount, charged at the unit rate, for Gas Company equipment while in use on the project,
  - iii. the amount paid by the Gas Company to contractors for work related to the project,
  - iv. the cost to the Gas Company for materials used in connection with the project, and
  - v. a reasonable amount for project engineering and project administrative costs which shall be 22.5% of the aggregate of the amounts determined in items (i), (ii), (iii) and (iv) above.
- d. The total relocation costs as calculated above shall be paid 35% by the Corporation and 65% by the Gas Company, except where the part of the gas system required to be moved is located in an unassumed road or in an unopened road allowance and the Corporation has not approved its location, in which case the Gas Company shall pay 100% of the relocation costs.

#### **Part IV - Procedural And Other Matters**

##### **13. Municipal By-laws of General Application**

The Agreement is subject to the provisions of all regulating statutes and all municipal by-laws of general application, except by-laws which have the effect of amending this Agreement.

##### **14. Giving Notice**

Notices may be delivered to, sent by facsimile or mailed by prepaid registered post to the Gas Company at its head office or to the authorized officers of the Corporation at its municipal offices, as the case may be.

##### **15. Disposition of Gas System**

- a. If the Gas Company decommissions part of its gas system affixed to a bridge, viaduct or structure, the Gas Company shall, at its sole expense, remove the part of its gas system affixed to the bridge, viaduct or structure.
- b. If the Gas Company decommissions any other part of its gas system, it shall have the right, but is not required, to remove that part of its gas system. It may exercise its right to remove the decommissioned parts of its gas system by giving notice of its intention to do so by filing a Plan



as required by Paragraph 5 of this Agreement for approval by the Engineer/Road Superintendent. If the Gas Company does not remove the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in any highway, the Corporation may remove and dispose of so much of the decommissioned gas system as the Corporation may require for such purposes and neither party shall have recourse against the other for any loss, cost, expense or damage occasioned thereby. If the Gas Company has not removed the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in a highway, the Gas Company may elect to relocate the decommissioned gas system and in that event Paragraph 12 applies to the cost of relocation.

**16. Use of Decommissioned Gas System**

- a. The Gas Company shall provide promptly to the Corporation, to the extent such information is known:
  - i. the names and addresses of all third parties who use decommissioned parts of the gas system for purposes other than the transmission or distribution of gas; and
  - ii. the location of all proposed and existing decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas.
- b. The Gas Company may allow a third party to use a decommissioned part of the gas system for purposes other than the transmission or distribution of gas and may charge a fee for that third party use, provided
  - i. the third party has entered into a municipal access agreement with the Corporation; and
  - ii. the Gas Company does not charge a fee for the third party's right of access to the highways.
- c. Decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas are not subject to the provisions of this Agreement. For decommissioned parts of the gas system used for purposes other than the transmission and distribution of gas, issues



such as relocation costs will be governed by the relevant municipal access agreement.

17. Franchise Handbook

The Parties acknowledge that operating decisions sometimes require a greater level of detail than that which is appropriately included in this Agreement. The Parties agree to look for guidance on such matters to the Franchise Handbook prepared by the Association of Municipalities of Ontario and the gas utility companies, as may be amended from time to time.

18. Agreement Binding Parties

This Agreement shall extend to, benefit and bind the parties thereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the parties have executed this Agreement effective from the date written above.

THE CORPORATION OF THE  
TOWNSHIP OF NORTH STORMONT

By: \_\_\_\_\_

By: \_\_\_\_\_

Duly Authorized Officer

ENBRIDGE GAS DISTRIBUTION INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

DATED this                      day of                      , 20                      .

THE CORPORATION OF THE  
TOWNSHIP OF NORTH STORMONT  
- and -

ENBRIDGE GAS DISTRIBUTION INC.

FRANCHISE AGREEMENT

**ENBRIDGE GAS DISTRIBUTION INC.**  
500 Consumers Road  
North York, Ontario  
M2J 1P8

Attention: Regulatory Affairs Department

THIS IS EXHIBIT "D" REFERRED TO IN THE  
AFFIDAVIT OF Lesley Austin

SWORN TO ME THIS 20th DAY OF  
March, 2008

A handwritten signature in cursive script, reading "Barbara Ann Bodnar".

A Commissioner, etc.

Barbara Ann Bodnar, a Commissioner, etc.,  
Province of Ontario, for Enbridge Gas Distribution Inc.,  
and its subsidiaries, associates and affiliates.  
Expires September 2, 2008.





Close Window

## Tracking Summary

### Tracking Numbers

**Tracking Number:** 1Z 4R7 V94 17 1895 640 3  
**Type:** Package  
**Status:** **Delivered**  
**Delivered On:** 30/01/2008  
13:25  
**Delivered To:** BERWICK, CA  
**Signed By:** NADEAU  
**Service:** EXPEDITED

Tracking results provided by UPS: 31/01/2008 10:45 ET

**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

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# United Parcel Service

Daily Manifest Customer Copy

Page : 1

ENBRIDGE GAS DISTRIBUTION INC.  
500 CONSUMERS RD  
NORTH YORK, ON, M2J1P8

UPS SHIPPER NUMBER:  
PICK UP RECORD #:  
DATE SHIPPED:

4R7V94  
4465826886  
29/JAN/2008

**EDI**

## Domestic Shipments

Reference	Consignee Information	Service	Postal Code	Zone	Weight	Billed Charge
RD2008RC.02 GENRL61715-01-25256 Payment Type: PREPAID Bill to Account: 4R7V94 Bill to Company: ENBRIDGE GAS DISTRIBUTION INC.	KAREN MCPHERSON TOWNSHIP OF NORTH STORMONT P.O. BOX 99 2 BERWICK VICTORIA STREET BERWICK, ON, K0C1G0 CA	Expedited	K0C1G0	303	0	11.95
<b>PACKAGES</b>	<b>Tracking Number</b> 1Z4R7V941718956403	<b>Delivery Confirmation</b>			<b>Weight</b> 0	<b>COD Amount</b>  <b>Declared Value</b>