



EB-2008-0404

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 seeking interim renewal of its franchise rights in the Town of Whitby

By delegation, before: Neil McKay

INTERIM ORDER

Enbridge Gas Distribution Inc. ("Enbridge") filed an application dated December 16, 2008 with the Ontario Energy Board (the "Board") under Section 10 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55 (the "Act") requesting an Order for an extension to its existing Franchise Agreement with the Corporation of the Town of Whitby (the "Municipality"). Board File No. EB-2008-0404 has been assigned to this proceeding.

Enbridge and the Municipality are party to a franchise agreement (E.B.A. 477) which will expire on January 16, 2009. Enbridge also holds a Certificate of Public Convenience and Necessity (E.B.C. 121) with the Municipality.

The application filed by Enbridge on December 16, 2008 also requested an order of the Board approving the terms and conditions and the period for a franchise agreement with the Municipality, under Section 9 of the *Act*. Enbridge submitted a resolution passed by the Council of the Municipality on December 9, 2008, approving the form of the draft by-law and requesting that the Board declare and direct that the assent of the municipal electors to the by-law is not necessary. The Board is currently processing this application. Board File No. EB-2008-0406 has been assigned to this Section 9 proceeding.

In order to ensure franchise coverage for the Town of Whitby, Enbridge has requested an extension to the existing franchise agreement until July 16, 2009 or until Enbridge's application under Section 9 of the Act can be processed, whichever comes first.

The Board finds that, based on the information provided by Enbridge, granting of an interim order extending Enbridge's franchise agreement with the Town of Whitby is in the public interest.

IT IS ORDERED THAT:

1. The right of Enbridge Gas Distribution Inc. to construct and operate works and to extend and add to the works for the distribution of gas in the Town of Whitby is continued on the terms and conditions set out in the existing franchise agreement until July 16, 2009 or until a renewal of the franchise agreement is granted under the *Municipal Franchises Act*, whichever comes first.

DATED at Toronto, December 19, 2008

ONTARIO ENERGY BOARD

Original signed by

Neil McKay
Manager, Facilities