

ONTARIO ENERGY BOARD

NATURAL RESOURCE GAS LIMITED

RENEWAL OF A FRANCHISE AGREEMENT BETWEEN
NATURAL RESOURCE GAS LIMITED AND THE
CORPORATION OF THE TOWN OF AYLMER

AFFIDAVIT OF SERVICE

I, Richard J. King, of the City of Toronto, Province of Ontario, **MAKE OATH AND AFFIRM:**

1. I am a partner of Ogilvy Renault LLP, counsel to Natural Resource Gas Limited and as such, have personal knowledge of the matters herein deposed.
2. In accordance with the Ontario Energy Board's (the "Board") Letter of Direction dated January 8, 2009, I arranged for the Notice of Application and Hearing (attached hereto as Exhibit "A") to be delivered to Heather Adams, Corporation of the Town of Aylmer on that same day. Attached hereto as Exhibit "B" is a copy of the courier waybill.
3. On January 9, 2009, the Notice of Application and Notice of Hearing was revised (in a minor way) by the Board, and that revised Notice was emailed to me. I forwarded the revised Notice (attached hereto as Exhibit "C") to Ms. Adams and her legal counsel (Mr. Phil Tunley, Stockwoods LLP) on January 9, 2009 at 2:31 p.m. via email, and pointed out the minor revisions. Mr. Tunley replied to my email at 2:43 p.m. on January 9, 2009 indicating that the revised Notice did not need to be sent via courier.

SWORN BEFORE ME at the City of
Toronto this 12th day of January,
2009.


A Commissioner for Taking Affidavits

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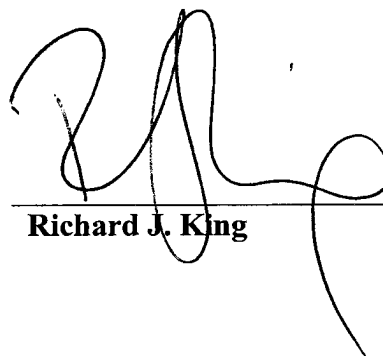
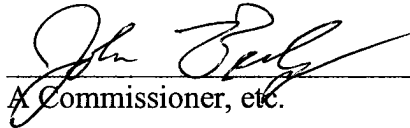

Richard J. King

Exhibit "A"

Renewal of a Franchise Agreement between Natural
Resource Gas Limited and The Corporation of The
Town of Aylmer

This is Exhibit "A" referred to in the
affidavit of Richard J. King sworn
before me this 12th day of January,
2009.


A Commissioner, etc.



EB-2008-0413

**NOTICE OF APPLICATION
AND
NOTICE OF HEARING**

GAS FRANCHISE APPROVAL FOR THE TOWN OF AYLMER

Natural Resource Gas Limited (the "Applicant") has filed an application dated December 23, 2008, with the Ontario Energy Board (the "Board") under section 10(2) of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended (the "Act"). NRG is seeking to renew its franchise rights with the Town of Aylmer by way of a new 20-year franchise agreement. NRG has an existing franchise agreement with the Town of Aylmer which expires on February 27, 2009. The NRG application is based on the Model Franchise Agreement established by the Board which would grant NRG the right to construct and operate works for the distribution of gas in the Town's municipal boundaries and to supply gas to the Town's residents.

NRG indicated it has been unable to reach agreement with Town of Aylmer on the terms and conditions of the franchise renewal.

NRG is also requesting that the Board grant interim relief under section 10(4) of Act to continue the right to operate works for the distribution of gas in accordance with the existing franchise agreement until an Order is made under section 10(2) of the Act in respect of this application. In addition NRG is requesting consideration for further and other relief as the Board may deem necessary or appropriate.

The application will be decided by a panel of the Board.

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 of the Town of Aylmer at the addresses indicated below.

The Board intends to proceed with the application by holding an oral hearing in Aylmer on **Thursday, February 12, 2009**, and if needed the hearing will be extended to Friday, February 13, 2009.

If you wish to participate in the hearing, you must forward your written submission indicating your interest to the applicant and the Board by **Friday, January 30, 2009**. Intervenors or other parties wishing to obtain information from the applicant, shall file written interrogatories with the applicant and deliver same to the Board by **Friday, January 30, 2009**.

The applicant shall answer interrogatories from any of the parties and file same with the Board no later than **Friday, February 6, 2009**.

The Board Secretary will deliver copies of any interrogatories and answers to these interrogatories to all registered parties by **Monday, February 9, 2009**.

At the time of the hearing the Board will consider the application and the applicant's request for interim relief together with any other measures sought by the parties.

Participants in the hearing including the Town of Aylmer and Board Staff who wish to file evidence on the application must file that material with the Board by **Tuesday, February 10, 2009**. The Board Secretary will deliver copies of any filed evidence to all registered parties by **Wednesday, February 11, 2009**.

How to File Documents with the Board

Please send your submission, including interrogatories, by e-mail to the following address: BoardSec@oeb.gov.on.ca. Additionally, three paper copies are required and should be sent to the address below. Those who do not have Internet access are asked to submit their interrogatories or submissions on a CD or diskette in PDF format, along with three paper copies.

In responding to this Notice, please include Board file number EB-2008-0413 in the subject line of your e-mail or at the top of your document. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. All communications should be directed to the attention of the

Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's website at or by calling our Consumer Relations Centre at 1-877-632-2727.

IF YOU DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS INCLUDING INTERROGATORIES 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

Natural Resource Gas Limited
Richard J. King, Counsel
Ogilvy Renault LLP
Suite 3800, Royal Bank Plaza, South
Tower
200 Bay Street
Toronto, Ontario
M5J 2Z4

Tel: 416-216-2311
Fax: 416-216-3930

**Corporation of the Town
Of Aylmer**
Ms. Heather Adams
Administrator
Town of Aylmer
46 Talbot Street West
Aylmer, Ontario
N5H 1J7

Tel: 519-773-3164
Fax: 519-765-1446

Natural Resource Gas Limited
Mark Bristoll
President
39 Beech Street East
Aylmer, Ontario
N5H 2S1

Tel: 519-773-5321
Fax: 519-773-5335

DATED at Toronto, January 8, 2009

ONTARIO ENERGY BOARD


Original Signed By

Kirsten Walli
Board Secretary

Exhibit "B"

Renewal of a Franchise Agreement between Natural
Resource Gas Limited and The Corporation of The
Town of Aylmer

This is Exhibit "A" referred to in the
affidavit of Richard J. King sworn
before me this 12th day of January,
2009.



A Commissioner, etc.

ORDER DETAILS

Logged in as MAILROOM

New Order Order Tracking Search Addressbook Reports Admin Logout

Order #3168513

Ogilvy Renault - SOUTH TOWER
200 BAY STREET, Unit 3400
Toronto, ON M5J2Z4
CANADA
MAILROOM
P: (416) 216-3938
F: (416) 216 - 3930

Ms. Heather Adams
46 Talbot Street West
Aylmer, ON N5H1J7
CANADA
Ms. Heather Adams
P: 519.773.3164
F:

Pick Up Date: 1/8/2009
Delivery Date: 1/9/2009
Status: Finalized
Weight: 1 Lbs
Ordered By: MAILROOM
POD: IRWIN

Ready Time: 15:46
Deliver By: 17:00
Picked Up: 1/8/2009 18:46
Reference: 17352/01012724-0006
Department:

Service: STANDARD (Ground)
Insurance: NO
Delivered: 1/9/2009 11:42
Declared Value: \$0.00
Waiting Time: 0 min.

Vehicle: CAR

Packages
***ENVELOPE**

Quantity
1

Container
600062177354*

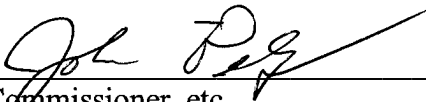
Charges

Base Amount:	\$12.00
Weight Surcharge:	\$0.00
Waiting Time Surcharge:	\$0.00
Package Surcharge:	\$0.00
Vehicle Surcharge:	\$0.00
After Hours Surcharge:	\$0.00
Insurance Surcharge:	\$0.00
Fuel Surcharge:	\$0.90
Extras:	\$0.00
Subtotal before taxes:	\$12.90
Discount:	\$0.00
GST (5.00%)	\$0.64
Total:	\$13.54

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Attn: Kirsten Walli
Board Secretary

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

Natural Resource Gas Limited
Richard J. King, Counsel
Ogilvy Renault LLP
Suite 3800, Royal Bank Plaza
South Tower
200 Bay Street
Toronto ON M5J 2Z4

Tel: 416 216-2311
Fax: 416 216-3930

**Corporation of the Town
Of Aylmer**
Ms. Heather Adams
Administrator
Town of Aylmer
46 Talbot Street West
Aylmer ON N5H 1J7

Tel: 519 773-3164
Fax: 519 765-1446

Natural Resource Gas Limited
Mark Bristoll
President
39 Beech Street East
Aylmer ON N5H 2S1

Tel: 519 773-5321
Fax: 519 773-5335

DATED at Toronto, January 8, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary