

BYLAW NO. 2015-09

A By-law of Birch Hills County to authorize the Reeve and Chief Administrative Officer to execute an agreement with ATCO Gas and Pipelines Ltd., to renew a agreement with, and to confer a franchise on the Company to deliver natural gas to customers within the municipality.

WHEREAS the Company has requested a franchise be granted to provide natural gas services to customers within the Municipality;

AND WHEREAS it is deemed that such an agreement would be of benefit to customers within the Municipality;

THEREFORE under the authority of the Municipal Government Act, S.A. 1994, Chapter M-26.1, Part 3, Division 3, Section 45- 47 be it enacted that the Reeve and Chief Administrative Officer be authorized to sign the agreement which is attached to and forming part of this By-law and marked as Schedule "A" between the Municipality and the Company to renew an agreement with and to confer a franchise on the Company to deliver natural gas services within the Municipality;

This By-law shall come into force upon the agreement being approved by the Alberta Utilities Commission for the Province of Alberta, and upon being given Third reading and finally passed.

READ a First time this 8th day)
)
of October 2015

Original Signed By
REEVE

READ a Second time this 22"d day)
)
of October 2015

Original Signed By
**CHIEF ADMINISTRATIVE
OFFICER**

READ a Third time and finally)
)
passed this 22"d day)
of October 2015

FORM OF APPLICATION

Schedule "A"

Alberta Utilities Commission
10 Fl, 10055-106 Street
Edmonton, Alberta
T5J 2Y2

RE: RENEWAL OF A NATURAL GAS FRANCHISE AGREEMENT

The Council of the Municipality hereby applies to the Alberta Utilities Commission for approval to renew a natural gas franchise agreement between the Municipality and ATCO Gas and Pipelines Ltd.

Enclosed herewith is a copy of by-law No. 2015-09 read the first time on the 8th day of October, 2015.

The Council hereby declares:

- a) That the privilege or franchise granted under the natural gas franchise renewal agreement is necessary and proper for the public convenience and properly conserves the public interests.
- b) That the scheme of ATCO Gas and Pipelines Ltd. for the delivery of natural gas under the provisions of the natural gas franchise renewal agreement is reasonable and sufficient having regard to the general circumstances.
- c) That with respect to the delivery of natural gas to the Municipality the natural gas utility has provided the construction, equipment, maintenance, service or operation as the public convenience and interests reasonably require.
- d) That having regard to the deliverability of natural gas in the area in which the Municipality is situated and to any other circumstances, the granting of the franchise or privilege in the natural gas franchise renewal agreement is to the general benefit of the area directly or indirectly affected thereby.
- e) That the natural gas supplier has fully discussed all proposed changes to the natural gas franchise agreement with the Council and the Council understands the reasons for this renewal and is in agreement with them.
- f) That the rights conferred by the Municipality in the Agreement are not exclusive as against Her Majesty the Queen in the Right of the Province of Alberta.

Additionally, the Municipality hereby consents to the matter being determined without a hearing if no objections are filed with the Albert Utilities Commission following published notice of the pending renewal agreement.

For the purposes of advertising notice, the Central Peace Signal is the newspaper with the largest circulation within the Municipality.

DATED THIS 8th DAY OF October A.D., 2015

SIGNED:

Marvin Doran
(REEVE)

Walter Toothill
(CHIEF ADMINISTRATIVE OFFICER)