

## THE MUNICIPALITY OF NORTH CYPRESS-LANGFORD

### BY-LAW NO. 4 /2019

BEING A BY-LAW of the Municipality of North Cypress-Langford (the "Municipality"), in Manitoba, to authorize the granting of a franchise to Centra Gas Manitoba Inc. ("Centra") to supply and distribute natural gas to the Municipality.

WHEREAS the Rural Municipality of North Cypress entered into an Original Franchise Agreement with Plains-Western Gas and Electric Co. Ltd. dated October 10, 1961, pursuant to By-law No. 1448 for the supply of natural gas to:

- Sections 1, 12-13, 24-25, 36 Township 12 Range 14 WPM;
- Sections 4-9, 16-21, 28-33 Township 12 Range 14 WPM;
- Sections 4-9, 16-21, 16-21, 28-33 Township 12 Range 14 WPM;
- Sections 1-3, 10-13, 24-25, 36 Township 11 Range 15 WPM;
- Sections 2-11, 16-21, 28-33 Township 11 Range 14 WPM;
- Sections 9-16, 21-28, 33-36 Township 10 Range 15 WPM;
- Sections 7-11, 14-23, 26-35 Township 10 Range 14 WPM;

AND WHEREAS By-law No. 1448 of the Rural Municipality of North Cypress was approved by the Public Utilities Board of Manitoba ("PUB") by Order No. 139/61;

AND WHEREAS the Rural Municipality of North Cypress entered into a franchise agreement with Centra dated March 14, 2006 pursuant to By-law 4/2005 which cancelled the Original Franchise Agreement and granted a new franchise for the supply natural gas incorporating the franchise area set out in the Original Franchise Agreement including:

- Sections 7-11, 14-23, 26-35 Township 10 Range 14 WPM;
- Sections 2-11, 16-21, 28-33 Township 11 Range 14 WPM;
- Sections 4-9, 16-21, 28-33 Township 12 Range 14 WPM;
- Sections 9-16, 21-28, 33-36 Township 10 Range 15 WPM;
- Sections 1-3, 10-13, 24-25, 36 Township 11 Range 15 WPM;
- Sections N ½ 17, E ½ 18, S ½ 19, S ½ 20, S ½ and NE ¼ 21, W ½ 22, W ½ 27, E ½ 28, E ½ 33, W ½ 34 Township 12 Range 15 WPM.
- Sections 1, 12-13, 24-25, 36 Township 12 Range 15WPM were in the Original Franchise Agreement but were not listed as included in this agreement;

AND WHEREAS By-Law No. 4/2005 of the Rural Municipality of North Cypress was approved by the PUB by Order No. 28/06;

AND WHEREAS the Rural Municipality of North Cypress entered into a franchise agreement with Centra dated October 7, 2013 pursuant to By-law No. 4/2013 granting the company the franchise for the supply and distribution of natural gas to:

- Sections 4-11, 14-23, 26-35, Township 10, Range 14 WPM;
- Sections 2-11, 16-21, 28-33, Township 11, Range 14 WPM;
- Sections 4-9, 16-21, 28-33, Township 12, Range 14 WPM;
- Sections 9-16, 21-28, 33-36, Township 10, Range 15 WPM;
- Sections 1-3, 10-13, 24-25, 36, Township 11, Range 15 WPM;
- N ½ 17, E ½ 18, S ½ 19, S ½ 20, S ½ and NE ¼ 21, W ½ 22, W ½ 27, E ½ 28, E ½ 33, W ½ 34 Township, 12, Range 15 WPM;

AND WHEREAS By-Law No. 4/2013 of the Rural Municipality of North Cypress was approved by the PUB by Order No. 117/13;

AND WHEREAS the Rural Municipality of Langford entered into a franchise agreement with Inter-City Gas Utilities Ltd. on November 10, 1970, pursuant to By-law 658 for the right to lay pipes for a natural gas distribution system in the RM;

AND WHEREAS By-law No. 658 of the Rural Municipality of Langford was approved by the PUB by Order No. 117/70;

AND WHEREAS the Rural Municipality of Langford entered into a franchise agreement with Centra on August 13, 2013, pursuant to By-law No. 01/12 to replace all existing Franchise and Crossing agreements and distribute natural gas to all of:

- Sections 1-36 Township 14, Range 16 WPM;
- Sections 3-10, 15- 23, 26, 35 Township 14, Range 15 WPM;
- Sections 3-4, 9-10, 15-16, 21-22, 27-28, 33-34 Township 13, Range 15 WPM;

AND WHEREAS By-law No. 01/12 of the Rural Municipality of Langford was approved by the PUB by Order No. 82/13;

AND WHEREAS Centra is the successor company to Inter-City Gas Utilities Ltd.;

AND WHEREAS the Rural Municipality of North Cypress and the Rural Municipality of Langford amalgamated on January 1, 2015, to establish the Municipality of North Cypress-Langford;

AND WHEREAS the PUB approved a new form of generic franchise agreement (2011 Generic Franchise Agreement) by Order 159/11 dated November 16, 2011;

AND WHEREAS Section 232(1)(1) of The Municipal Act provides that a Council may pass by-laws for municipal purposes respecting public utilities;

AND WHEREAS Section 250(2)(d) and 253 (1) of The Municipal Act provides that a municipality may for municipal purposes:

- (c) acquire, establish, maintain and operate services, facilities and utilities; and
- (d) enter into agreements with another party to do on behalf of the municipality anything the municipality has the power to do within the municipality;

AND WHEREAS the Municipality has agreed that it is in its interest to grant Centra a franchise to supply and distribute natural gas to the Municipality;

AND WHEREAS it is deemed expedient and in the public interest that the Municipality enter into a new franchise agreement in the form of the 2011 Generic Franchise Agreement ("Franchise Agreement") with Centra to supply and distribute natural gas to the Municipality pursuant to said Section 250(2) and 253(1).

NOW THEREFORE the Council of the Municipality in regular session assembled enacts as follows:

1. That the Municipality enter into a Franchise Agreement, in the form attached hereto as Schedule "A" to this By-Law, with Centra for the purpose of granting a further franchise to supply natural gas to:

- Sections 19-36 Township 9 Range 13 WPM;
- Sections 1-36 Township 10 Range 13 WPM;
- Sections 1-3 and 12, 13, 24, 25, 36 Township 10 Range 14 WPM;
- Sections 1-8, 17- 20, 29-32 Township 10 Range 15 WPM;
- Sections 1-4, 9-16, 19-36 Township 10 Range 16 WPM;
- Sections 1-36 Township 11 Range 13 WPM;
- Sections 1, 12-15, 22-27, 34-36, Township 11 Range 14 WPM;
- Sections 4-9, 14-23, 26-35, Township 11 Range 15 WPM;
- Sections 1-36 Township 11 Range 16 WPM;
- Sections 1-36 Township 12 Range 13 WPM;
- Sections 1-3, 10-15, 22-27, 34-36 Township 12 Range 14 WPM;
- Sections 1-16, 23-26, S ½ 17, W ½ 18, N ½ 19, N ½ 20, NW ¼ 21, E ½ 22, 23-26, E ½ 27, W ½ 28, 29-32, W ½ 33, E ½ 34, 35-36 Township 12 Range 15 WPM;
- Sections 1-36 Township 12 Range 16 WPM;
- Sections 1-36 Township 13 Range 14 WPM;
- Sections 1-2, 5-8, 11-14, 17-20, 23-26, 29-32, 35-36 Township 13 Range 15 WPM;
- Sections 1-36 Township 13 Range 16 WPM;
- Sections 1-36 Township 14 Range 14 WPM;
- Sections 1-2, 11-14, 24-25, 36 Township 14 Range 15 WPM.

2. That the Reeve and Chief Administrative Officer of the Municipality shall be authorized to execute said Franchise Agreement with Centra, in the form attached hereto as Schedule "A" to this By-Law, on behalf of the Municipality.
3. That this By-Law shall, after being read a first time by the Council be submitted to or receive the authorization or approval of The Public Utilities Board of Manitoba.
4. That Centra be authorized to represent the Municipality in applying to The Public Utilities Board of Manitoba for approval of the Franchise Agreement.
5. That this By-Law shall not take effect until it has received approval of The Public Utilities Board of Manitoba and third reading.

**DONE AND PASSED** by the Council of the Municipality of North Cypress-Langford, in Manitoba, in regular session assembled this 8<sup>th</sup> day of July, 2019.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 13<sup>th</sup> day of May, 2019.

Read a second time this 8<sup>th</sup> day of July, 2019.

Read a third time this 8<sup>th</sup> day of July, 2019.