

TOWN OF SLAVE LAKE

A BY-LAW OF THE TOWN OF SLAVE LAKE ADOPTING THE NATURAL GAS DISTRIBUTION FRANCHISE AGREEMENT DESCRIBED AS SCHEDULE "B" TO THE MASTER SALE AGREEMENT TRANSFERRING THE TOWN OF SLAVE LAKE NATURAL GAS DISTRIBUTION SYSTEM TO NORTHWESTERN UTILITIES LIMITED.

WHEREAS, by virtue of the power conferred upon it by the Municipal Government Act, the Council of the Town of Slave Lake, duly assembled, enacts as follows:

PART I

Short Title

This By-law shall be known and may be cited as the "Natural Gas Utility Franchise By-law" of the Town of Slave Lake.

PART II

General Provisions

1. The Town of Slave Lake hereby adopts the natural gas distribution Franchise Agreement described as Schedule "B" to the Master Sale Agreement attached hereto (hereinafter referred to as the "Master Sale Agreement").
2. The Town of Slave Lake hereby empowers its proper signing officers to execute the Franchise Agreement.

READ for a FIRST time this 25th day of November, 1987.

Blairson
MAYOR

N. E. P.
MUNICIPAL ADMINISTRATOR

READ for a SECOND time this 23 day of December, 1987.

READ for a THIRD and FINAL time this 23 day of December, 1987.

Blairson
MAYOR

N. E. P.
MUNICIPAL ADMINISTRATOR

THE PUBLIC UTILITIES BOARD, ALBERTA

INTERIM ORDER E87129

Dated December 23, 1987

re:

THE TOWN OF SLAVE LAKE

and

NORTHWESTERN UTILITIES LIMITED

An application by the Council of the Town of Slave Lake for approval to enter into a natural gas supply contract with, to confer a special franchise on and to enter into a revenue tax agreement with Northwestern Utilities Limited.

FILE E6.97.4

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A P P E A R A N C E S

For the Town of Slave Lake

- Leo Burgess, Esq.
Counsel

Larry Reynolds, Esq.
Student at Law

Bernie Kreiner, Esq.
Town Manager

For Northwestern Utilities Limited - N. J. Kangles, Esq.
Counsel

D. M. Ellard, Esq.
Vice-President,
Administration and
Marketing

Ralph Trovato, Esq.
General Supervisor
Market Research

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I N T E R I M O R D E R

UPON THE APPLICATION of the Council of the Town of Slave Lake (the Town) to the Board for an ex parte interim Order pursuant to Section 54 of the Public Utilities Board Act, R.S.A. 1980, c. P-37.

- (1) To enter into a contract with, and to confer a special franchise on Northwestern Utilities Limited (the Company) with respect to the supply of natural gas to the Town and its residents for a period of 20 years from the effective date of the proposed Supply and Franchise Contract (the Supply and Franchise Contract), as filed with the Board;
- (2) To enter into, with the Company, an agreement (the Revenue Tax Agreement) made pursuant to Section 14(7) of the Municipal Taxation Act, R.S.A. 1980, c. M-31, which agreement is contained in Clause 16 of the Supply and Franchise Contract filed with the Board, and whereby the Town accepts payment of an amount equal to five and twenty-six hundredths percent of the gross revenue of the Company derived from the sale of natural gas to the customers within the corporate limits of the Town exclusive of the aforementioned payment to the Town, in lieu of taxing

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the special franchise, lands, improvements, pipelines, works and transmission lines, machinery, equipment and apparatus belonging to and used by the Company in the exercise of the franchise.

AND UPON READING:

- (1) the Application of the Town dated November 25, 1987;
- (2) By-law No. 31-1987, read the first time on November 25, 1987;
- (3) the Supply and Franchise Contract effective December 28, 1987;
- (4) the submission of the Company dated December 14, 1987;
- (6) other material filed in support of the Application;

AND UPON HEARING representations respecting the Application at a *ex parte* hearing held at the Board's Edmonton Offices on December 23, 1987;

AND IT APPEARING THAT:

- (1) the Application of the Town was made to the Board forthwith after the first reading of By-law No. 31-1987;

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- (2) pursuant to Section 279(3) and 324 of the Municipal Government Act, R.S.A. 1980, c. M-26 the Town published notice of its intention to enter into the Supply and Franchise Contract and did not receive a petition for a vote of the proprietary electors with respect thereto;
- (3) the Company is financially and otherwise able to furnish safe, adequate and proper natural gas service to the Town and its residents as provided in the Supply and Franchise Contract;
- (4) with respect to the supply of natural gas to the Town and its residents, the Company is prepared to provide, for the term of the Supply and Franchise Contract, the construction, equipment, maintenance, service or operation as the public convenience and interests reasonably require;
- (5) it has been demonstrated that there are special circumstances in this application which warrant granting the order on an interim ex parte basis;

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(6) parties interested in the application respecting Board approval of the special franchise and gas supply contract will have an opportunity to raise their concerns at a public hearing on the matter to be held on January 25, 1988;

AND WHEREAS the Board has given directions to the Town for publication of Notice respecting the public hearing of this matter on January 25, 1988;

THEREFORE IT IS ORDERED THAT the approval of the Board be and the same is hereby given to the Town on an interim basis pending a full public hearing of the application for Board approval:

(1) To enter into a natural gas supply contract with, and to confer a special franchise on the Company, in accordance with the terms and conditions of the Renewal Supply and Franchise Contract filed herein;

(2) To enter into a revenue tax agreement with the Company in accordance with the provisions of clause 16 of the supply agreement aforesaid;

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AND IT IS HEREBY DECLARED that nothing in this Order shall bind, affect or prejudice the Board in any way in its consideration of any other matter or question relating to the Town or the Company.

Dated at Edmonton, Alberta this 23rd day of December, 1987.

PUBLIC UTILITIES BOARD

CERTIFIED A TRUE COPY

(SIGNED) A. O. ACKROYD

CHAIRMAN

(SIGNED) A. JAH

MEMBER



(SIGNED) R. D. S. WARD

ACTING SECRETARY

MEMBER