



**EB-2016-0186**

**Union Gas Limited**

**Application for approval to construct a natural gas pipeline in the Township of Dawn Euphemia, the Township of St. Clair and the Municipality of Chatham-Kent and approval to recover the costs of the pipeline**

**PROCEDURAL ORDER NO. 2  
September 26, 2016**

Union Gas Limited (Union) filed an application with the Ontario Energy Board (OEB) on June 10, 2016 for:

1. leave to construct 40 kilometres of 36 inch diameter pipeline from Union's Dawn Compressor Station in the Township of Dawn-Euphemia to its Dover Transmission Station in the Municipality of Chatham-Kent (the Project) pursuant to section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (Act)
2. approval of the recovery of costs associated with the construction of the Project pursuant to section 36 of the Act
3. approval to calculate the Project's revenue requirement and resulting rates based on a 20 year depreciation term
4. approval of an accounting order to establish a Panhandle Reinforcement Deferral Account pursuant to section 36 of the Act

A Notice of Hearing was issued on July 12, 2016. The OEB issued Procedural Order No. 1 which established a schedule for filing interrogatories, responses and the process for filing expert evidence.

The OEB received requests for a technical conference to clarify Union's interrogatory responses and to determine whether expert evidence would be filed.

The OEB finds it necessary to make the following changes to the schedule and procedural steps related to this proceeding:

- schedule a Technical Conference
- request additional information regarding the intent to file expert evidence
- extend the date for filing expert evidence
- set a date for filing any objections to Union's confidentiality request

All other dates established in the Procedural Order No. 1 remain unchanged.

### **Technical Conference**

The Federation of Rental-housing Providers of Ontario (FRPO) asked the OEB to schedule a technical conference in order to clarify Union's interrogatory responses and evidence regarding alternatives to the Project. In particular, FRPO had further questions regarding the maximum capacity and actual gas receipts at Ojibway. The Industrial Gas Users Association (IGUA) supported FRPO's request and added that a technical conference would assist intervenors in deciding whether to file expert evidence.

Union disagreed with the need for a technical conference and provided additional information regarding its interrogatory responses in a letter dated September 22, 2016.

The OEB finds it appropriate to schedule a technical conference to provide intervenors and OEB staff the opportunity to ask clarifying questions of Union's interrogatory responses and evidence. To expedite the process, intervenors and OEB staff should provide Union with a list of questions or areas of interest, in advance of the technical conference.

### **Intent to File Expert Evidence**

Procedural Order No. 1 established September 23, 2016 as the deadline for intervenors or OEB staff to indicate the intent to file expert evidence.

The OEB received a letter from the Canadian Association of Energy and Pipeline Landowner Associations, the Panhandle Landowner Committee (CAEPLA-PLC) indicating its intent to file evidence on Union's proposed construction methodology and the impact on soils and agricultural drainage. The OEB also received a letter from FRPO indicating its intent to file evidence regarding alternatives to the Project. Any other party that did not advise the OEB of its intent to file evidence on September 23, 2016 may not do so except with permission of the OEB.

The OEB requires CAEPLA-PLC and FRPO to provide the OEB with an estimate of the cost to file expert evidence, including any additional costs for counsel and consultants as instructed in Procedural Order No. 1.

### **Union's Request for Filing Confidential Material**

Union filed interrogatory response Exhibit B.CAEPLA-PLC.5 on a redacted basis and asked the OEB for confidentiality treatment of compensation information related to a Letter of Understanding. Union filed an un-redacted version of the interrogatory response in confidence with the OEB.

The OEB finds it appropriate to establish a date for intervenors and OEB staff to file any objection to Union's request for confidentiality, and a date for Union's response.

It is necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

### **THE ONTARIO ENERGY BOARD THEREFORE ORDERED THAT:**

1. A transcribed Technical Conference will be held on **October 4, 2016** starting at 9:30 a.m. 2300 Yonge Street, 25th floor, Toronto.
2. Intervenors and OEB staff who plan to participate in the Technical Conference shall file written questions or the areas of inquiry with the OEB and deliver to Union and all other parties by **September 30, 2016**.
3. Intervenors and OEB staff objecting to Union's request for confidentiality shall file its objection with the OEB and deliver to Union and all other parties by **September 30, 2016**.
4. Union may respond to any objections received regarding its request for confidentiality by **October 7, 2016**.
5. Both CAEPLA-PLC and FRPO shall provide the OEB with the estimated cost associated with the filing expert evidence by **October 7, 2016**. In particular, the estimate should indicate whether participating jointly in commissioning the evidence, include costs for any expert participation in the proceeding and incremental time spent by counsel or other consultants.
6. Intervenors that wish to present evidence shall file that evidence with the OEB and deliver it to Union and all other parties by **October 21, 2016**.

7. Anyone that requires information and material related to any intervenor evidence, that is in addition to the evidence filed and is relevant to the hearing, shall request it by written interrogatories filed with the OEB and delivered to Union and all other parties by **October 28, 2016**.
8. Responses to the interrogatories on the intervenor evidence shall be filed with the OEB and delivered to Union all other parties by **November 14, 2016**.

All filings to the Board must quote the file number, EB-2016-0186 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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.

### **ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

E-mail: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, **September 26, 2016**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary