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November 7, 2016

*VIA ELECTRONIC FILING*

**Attention: Kirsten Walli, Board Secretary**

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Madam Secretary:

**RE: Union Gas Ltd. – Panhandle Reinforcement Project – OEB File No. EB-2016-0186  
Request to Reschedule Settlement Conference  
Our File No. 18162**

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We are the lawyers for CAEPLA-PLC in this proceeding. In Procedural Order No. 3 issued last Thursday, November 3, 2016, the Board directed that a Settlement Conference be held in Chatham two weeks from today on Monday, November 21, 2016 in respect of the landowner issues raised by CAEPLA-PLC in this proceeding. CAEPLA-PLC had expressed to the Board in its letter dated October 21, 2016 (enclosing CAEPLA-PLC's written evidence) its support for the scheduling of a settlement conference. Unfortunately, CAEPLA-PLC's negotiating committee is not available to participate on November 21.

CAEPLA-PLC's membership comprises approximately 36 individual owners or ownership groups covering 50 properties affected by Union's proposed project, and certain members have been delegated responsibility for decision-making, including negotiations. Some of those members will also sit on CAEPLA-PLC's witness panel in this proceeding. Due to prior work commitments (including the continuing fall harvest) and, in one case, travel outside Canada, CAEPLA-PLC's witness panel was not going to be available for the November 22-24 hearing dates scheduled by the Board last Thursday. Likewise, CAEPLA-PLC's negotiating committee is not available on November 21 for the settlement conference.

CAEPLA-PLC has considered whether, despite the unavailability of its negotiating committee, counsel for CAEPLA-PLC and Dave Core, CAEPLA's CEO, could nevertheless participate in a settlement conference on November 21. However, we have determined that effective participation is simply not possible on that date. The representatives that can present for the conference on November 21 will not be authorized

to make decisions and will not be in a position to communicate with CAEPLA-PLC's negotiating committee to take instructions (contrary to Board Rule 29.07). In our view, therefore, proceeding with the settlement conference scheduled for November 21 will not be productive and will not warrant the time and cost associated with attendances in Chatham by representatives of the parties and of Board staff.

We have advised Board Staff that CAEPLA's witness panel and its negotiating committee are available on December 22, 2016 and January 12, 15 and 16, 2017; we will hold those dates open as long as possible. We would ask that the Board amend Procedural Order No. 3 to schedule a settlement conference for one or both of December 22, 2016 and January 12, 2017, with the oral hearing in respect of landowner issues to be scheduled for January 15 and 16, 2017. And in advance of the December 22, 2016 and/or January 12, 2017 dates, CAEPLA-PLC will continue its direct communications with Union in an effort to reach a resolution on all outstanding issues.

We look forward to the Board's further direction in respect of CAEPLA-PLC's request. If you require any additional information, please do not hesitate to email or call me.

Yours truly,

**SCOTT PETRIE LLP**  
LAW FIRM

A handwritten signature in black ink that reads "John D. Goudy". The signature is written in a cursive style with a large initial "J" and "G".

**John D. Goudy**

c.c.: Parties to EB-2016-0186