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November 9, 2016

VIA ELECTRONIC FILING

Attention: Kirsten Walli, Board Secretary

Ontario Energy Board
2300 Yonge Street
27th 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 – Reply Comments
Our File No. 18162**

We are the lawyers for CAEPLA-PLC in this proceeding. We have reviewed the letter from Union's counsel filed yesterday with the Board and wish to provide the following comments in reply. Firstly, CAEPLA-PLC was not aware at the time it wrote to the Board on October 21, 2016 (and suggested that it would be supportive of a settlement conference being held) that the scheduling of hearing dates was imminent or that hearing dates or settlement conference dates would be scheduled as early as November 21, 2016.

Secondly, the reasons for which the remaining four members of CAEPLA-PLC's negotiating committee (not a large contingent, in particular given the number of affected properties represented by CAEPLA-PLC) are not available on November 21 are the same reasons for which they are not available to attend as witnesses at the hearing scheduled for November 22 to 24 – three have work commitments and one will be out of the country. We apologize if this was not stated clearly in our previous letter.

We would ask Union and the Board to keep in mind that CAEPLA-PLC's members are directly affected landowners with work and family responsibilities beyond Union's project and approval application. They wish to participate in the Board's leave to construct process because the project as proposed will significantly affect their properties, but CAEPLA-PLC's members are not in the business of building pipelines. They are not frequent intervenors before the Board. Their availability may be (and, in this case, is) limited where dates are scheduled with very limited advance notice. That is the reason for which we have asked the Board in our previous letter to set dates in advance.

Thirdly, we reiterate that CAEPLA-PLC considered whether it could productively participate in a settlement conference on November 21 and determined that it could not. The members of the negotiating committee who are absent will not generally be available by telephone or otherwise, given their work responsibilities during the day. And the issues to be addressed in the settlement conference (those issues outstanding between Union and CAEPLA-PLC and its members) do not lend themselves to giving fixed instructions in advance.

Lastly, we disagree with Union's assertion that the amended scheduling requested by CAEPLA-PLC would result in unreasonable delay in this proceeding. Union filed its application on June 10, 2016. CAEPLA-PLC submitted its intervenor request letter on July 16, 2016. CAEPLA-PLC has proposed settlement conference and hearing dates that would result in the conclusion of at least the evidence portion of the oral hearing within approximately 7 months of Union's filing of its application and within 6 months of CAEPLA-PLC's intervention. We submit that the proposed schedule is not unreasonable. And, as noted by Union's counsel in his letter, CAEPLA-PLC is continuing to work actively with Union to attempt to resolve all outstanding issues before any further steps in the proceeding.

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