



**EB-2017-0180**

**Union Gas Limited**

**Application for approval to construct a natural gas pipeline in the City of  
Greater Sudbury**

**PROCEDURAL ORDER NO. 2**

**August 17, 2017**

On May 5, 2017, Union Gas Limited (Union Gas) applied to the Ontario Energy Board (OEB) under s. 90(1) of the *Ontario Energy Board Act, 1998* for approval to construct 20 kilometres of 12 inch diameter pipeline to replace two sections of the existing 10 inch diameter pipeline of its Sudbury Pipeline System in the City of Greater Sudbury (2018 Sudbury Replacement Project). A Notice of Hearing was issued on June 8, 2017 and was served and published as directed. The OEB did not receive any requests for intervenor status.

The OEB issued Procedural Order No. 1 on July 7, 2017, setting the schedule for written interrogatories and written submissions. Union Gas filed responses to OEB staff interrogatories on July 25, 2017. According to Procedural Order No. 1, the submission from OEB staff was due by August 9, 2017, and Union Gas' reply submission, if any, was due by August 16, 2017.

In response to OEB staff interrogatory no. 6(a), (b) and (c), Union Gas indicated that its Indigenous Consultation Report provided to the Ministry of Energy (Ministry):

...is currently being reviewed and that Union will receive a letter from MOE in the next month. This letter will inform Union if there is a duty to consult, and provide MOE's comments regarding the consultation activities that Union has completed to date. Union also expects this letter to comment on the proposed consultation activities that Union is proposing to undertake between OEB approval and completion of construction.

According to section 3.3 of *OEB Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (OEB Environmental Guidelines):

Prior to the leave to construct record being closed by the OEB, the Ministry of Energy will provide a letter to the applicant expressing its view on the adequacy of the Indigenous consultation based on materials provided to the Ministry of Energy. (OEB Environmental Guidelines, page 18)

By August 8, 2017 the OEB had not received the letter from the Ministry referred to in Union Gas' response to interrogatory no. 6. For this reason, the OEB issued a letter dated August 8, 2017, cancelling the remaining schedule set in Procedural Order No. 1, and advising that "The new schedule for the balance of this proceeding will be issued after the OEB receives complete documentation on the Indigenous consultation activities as required by the OEB Environmental Guidelines."

On August 11, 2017 Union Gas filed a letter from the Ministry of Energy dated August 10, 2017 advising that "the Ministry is of the opinion that the procedural aspects of consultation undertaken by Union Gas to date for the purpose of the Ontario Energy Board's leave to construct is satisfactory". Union Gas also filed an update to the version of the Indigenous consultation log filed in response to OEB staff interrogatory no. 6(d).

Union Gas' August 11, 2017 filings complete the evidentiary record for this proceeding. Accordingly, the OEB will by way of this Procedural Order set the new schedule for written submissions by OEB staff and a reply submission, if any, by Union Gas.

The OEB may issue further procedural orders from time to time.

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

1. OEB staff shall file a written submission with the OEB and deliver it to Union Gas by **August 25, 2017**.
2. Union Gas may file a written reply submission with the OEB by **September 1, 2017**.

All filings to the OEB must quote the file number, EB-2017-0180, 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 <https://www.oeb.ca/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 Registrar 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@oeb.ca](mailto:boardsec@oeb.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, August 17, 2017

### **ONTARIO ENERGY BOARD**

*Original signed by*

**Kirsten Walli**  
**Board Secretary**