



**EB-2015-0179**

## **Union Gas Limited**

### **Application for approval to expand natural gas service, establish rates and surcharges, and leave to construct natural gas pipelines to serve the communities of Milverton, Prince Township and the Chippewas of Kettle and Stony Point and Lambton Shores**

#### **PROCEDURAL ORDER NO. 10 October 13, 2017**

Union Gas Limited (Union) filed an application with the Ontario Energy Board (OEB) on July 23, 2015, seeking approval to provide natural gas service to certain rural and remote communities in Ontario. In a letter dated January 20, 2016, the OEB informed all parties that it intended to proceed with a generic hearing on its own motion as the issues raised by all the parties in Union's application were common to all gas distributors and new entrants seeking to provide gas distribution services in communities that do not have access to natural gas. The OEB also noted in that letter that Union's application would be put on hold until the completion of the generic hearing. On November 17, 2016, the OEB issued its Decision on the Generic Community Expansion Proceeding (EB-2016-0004).

In Procedural Order No. 4 issued on November 17, 2016 (EB-2015-0179), the OEB determined that it would resume Union's application that had been put on hold. Union filed its updated evidence on March 31, 2017. Union's updated application proposed four expansion projects to serve the following communities: (1) Kettle and Stony Point First Nation and Lambton Shores; (2) Milverton, Rostock and Warburg; (3) Prince Township; and (4) the Delaware Nation of Moraviantown First Nation.

On May 18, 2017, the Batchewana First Nation of Ojibways requested intervenor status and cost eligibility. Batchewana First Nation claimed aboriginal and treaty rights in the areas that will be served by the proposed Prince Township expansion. The Batchewana First Nation noted that its rights and interests trigger the Crown's Duty to Consult and it was of the opinion that consultation thus far had been deficient.

The OEB approved the intervention request of the Batchewana First Nation and its request for cost eligibility under the OEB's *Practice Direction on Cost Awards*. The OEB further determined that the Batchewana First Nation's interest would be limited to Union's leave to construct application to service the Prince Township.

On August 10, 2017, the OEB issued its Decision and Order approving Union's proposal with the exception of the Prince Township leave to construct application. The Decision also set out the process for intervenors to file their cost claims, for Union to object to the claims and for intervenors to respond to any objections raised by Union.

In a separate decision issued on October 5, 2017, the OEB approved the Prince Township leave to construct application. However, it did not include a process for the Batchewana First Nation to file its cost claim.

**IT IS ORDERED THAT:**

1. The Batchewana First Nation shall file with the OEB and forward to Union its cost claim on or before October 27, 2017.
2. Union shall file with the OEB and forward to the Batchewana First Nation any objections to the claimed costs on or before November 3, 2017.
3. If Union objects to the costs, the Batchewana First Nation shall file with the OEB and forward to Union any responses to any objections for cost claims on or before November 9, 2017.

All filings to the OEB must quote the file number, EB-2015-0179 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.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 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@oeb.ca](mailto:boardsec@oeb.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, October 13, 2017

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary