



Union Gas Limited

Application for certificates of public convenience and necessity for Norfolk County, the County of Elgin, and the County of Middlesex

PROCEDURAL ORDER NO. 3 November 14, 2017

Union Gas Limited (Union Gas) applied to the Ontario Energy Board (OEB) on February 24, 2017, under section 8 of the *Municipal Franchises Act*, for an order amending Union Gas' and Natural Resource Gas Limited's (NRG) certificates of public convenience and necessity (certificates) relating to Norfolk County, the County of Elgin, and the County of Middlesex (the Counties).

In accordance with Procedural Order No. 1, issued September 20, 2017, OEB staff and intervenors filed interrogatories, and Union Gas responded to those interrogatories. As part of its response to OEB staff's interrogatories, Union Gas also filed maps with the OEB identifying all of Union Gas' existing gas mains in the Counties.

The OEB issued Procedural Order No. 2, on October 16, 2017, and ordered Union Gas Limited, EPCOR Natural Gas Limited Partnership (EPCOR), NRG and OM Limited Partnership (OMLP) to convene a settlement conference on November 2, 2017.

Pursuant to Procedural Order No. 2, Union Gas filed with the OEB on November 3, 2017, a letter indicating that there was no settlement proposal arising from the settlement conference. Union Gas indicated, however, that there was agreement between the parties to exchange additional information and continue discussions. To this end, Union Gas requested that the OEB extend the procedural schedule to allow for the exchange of additional information and the continuation of settlement discussions.

On November 9, 2017, Union Gas filed another letter with further details regarding the process agreed to by the parties during the settlement conference, requesting that the deadline to submit a settlement proposal be extended to January 31, 2018.

Also on November 9, 2017, EPCOR filed a letter advising the OEB that the transaction of EPCOR acquiring the assets of NRG had closed, and that NRG has transitioned its participation in the proceeding to EPCOR. EPCOR supported Union Gas' request for an extension of time, and also requested that the OEB require both Union and EPCOR to verify by affidavit the completeness and accuracy of any maps and evidence filed with OEB staff and provided to other parties.

I find the next steps agreed to by parties to be reasonable. In the light of the unique nature of this proceeding, I also accept EPCOR's request for the use of affidavits relating to the completeness and accuracy of any maps and evidence filed with OEB and provided to the other parties in this proceeding, subject to any objections that Union Gas may make on this point.

I consider it necessary to make provision for the following matters related to this proceeding. These procedural steps and dates supersede those included in Procedural Order No. 2. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. Any settlement proposal arising from ongoing negotiations shall be filed with the OEB on or before **January 31, 2018**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether Union Gas Limited, EPCOR Natural Gas Limited Partnership and OM Limited Partnership believe those issues should be dealt with by way of oral or written hearing.
2. If there is no settlement proposal arising from ongoing negotiations, Union Gas Limited shall file a statement to that effect with the OEB on or before **February 2, 2018**, following which time the OEB may establish dates for the filing of final written submissions.

All filings with the OEB must quote the file number **EB-2017-0108**, and be made through the OEB's web portal at <https://www.pes.oeb.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings

must be received by the OEB by 4:45 p.m. on the stated date. Parties should use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.ca. If the web portal is not available, parties may e-mail their documents to the attention of the Board Secretary at BoardSec@oeb.ca.

ADDRESS

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DATED at Toronto, **November 14, 2017**

ONTARIO ENERGY BOARD

By delegation, before:

Original signed by

Pascale Duguay
Manager, Applications Policy and Climate Change