



uniongas

A Spectra Energy Company

February 13, 2009

By RESS & Courier & email

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
27th Floor, 2300 Yonge Street,
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Union Gas Limited – Leave to Construct Application
Guelph Reinforcement Phase II
Board File No. EB-2008-0364**

Please find attached Union's responses to Board Staff Interrogatories.

Sincerely,

Mary Jane Patrick
Administrative Analyst, Regulatory Projects
:mjp
Encl.

cc: Neil McKay, Board Staff
Josh Wasylyk, Applications Analyst
Bonnie.adams@enbridge.com

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

General Issues

Reference: *Pre-filed Evidence/Page 3 of 12*

Question:

Please discuss the reliability of Union's Facilities Business Plan with respect to the forecasted 10-year growth of the study area (Schedule 3). In your reply, please indicate the forecasting methodology underlying the growth study; why this particular forecasting method was chosen by Union; how Union selected this methodology; and how long Union has been using this approach. Please also advise if Union is aware of or reviewed other alternative growth forecast studies, and provide copies of such studies if available.

Response:

Union has been completing FBPs for distribution projects for over 10 years. When comparing the customer forecast prepared for Guelph Reinforcement Phase 1 (2004) to the actual customer attachments, it can be noted that Union's growth projections had an accuracy of 98%. Based on this accuracy, Union believes we have a very good understanding on projected growth in the Guelph area. Union has long standing history of using these methods which have proven successful.

Union's FBP forecasting methodology involves the assessment of the FBP area by our District growth and development representatives. The representatives, using local market knowledge and in consultation with local planning agencies, developers and officials, develop the forecast to support the FBP process. This method was chosen to provide adequate detail while at the same time being reasonable in its approach to forecasting and updating. Union has refined this methodology based on historical success, market forecasting tools, availability of municipal planning documentation and best practices.

Union is not aware of any alternative growth forecast studies and as such, none have been provided.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

General Issues

Reference: *Schedule 11/Page 1 of 1*

Question:

The referenced table shows detailed construction schedules for the projects.

- a) Please verify that these schedules remain as stated;
- b) If there are any changes, please provide an explanation for the schedule change.

Response:

Union confirms that the construction schedule remains unchanged.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

Monitoring

Reference: *Pre-filed Evidence/Page 11 of 12*

Question:

Union states that it “will obtain approval from the Grand River Conservation Authority for all watercourses crossed as part of this project.”

- a) Please confirm that all the appropriate notifications, permits and approvals have been acquired for this project;
- b) If the appropriate notifications, permits and approvals have not been acquired, please specify which permits remain outstanding, the reasons for these delays in acquiring the permits, and when they are expected to be acquired.

Response:

Union is in the process of finalizing its application to the Grand River Conservation Authority (GRCA) Geotechnical Investigation which will be completed in the next 2 weeks will accompany and support its application to GRCA. Based on past applications with the GRCA, Union anticipates approval from the GRCA approximately 6 to 8 weeks following its submission, well in advance of the start of construction.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

Question:

Please provide a status update on consultations with Aboriginal groups with regard to the following points:

- a) Identify all of the Aboriginal groups that have been contacted in respect of this application;
- b) Indicate:
 - i) How the Aboriginal groups were identified;
 - ii) When contact was first initiated;
 - iii) The individuals within the Aboriginal group who were contacted, and their position in or representative role for the group;
 - iv) A listing, including the dates, of any phone calls, meetings and other means that may have been used to provide information about the project and hear any interests or concerns of Aboriginal groups with respect to this project.
- c) Provide relevant information gathered from or about the Aboriginals as to their treaty rights, or any filed and outstanding claims or litigation concerning their treaty rights or treaty land entitlement or aboriginal title or rights, which may potentially be impacted by the project.
- d) Provide any relevant written documentation regarding consultations, such as notes or minutes that may have been taken at meetings or from phone calls or letters received from, or sent to, Aboriginal groups.
- e) Identify any specific issues or concerns that have been raised by Aboriginal groups in respect of the project and, where applicable, how those issues or concerns will be mitigated or accommodated.
- f) Explain whether any of the concerns raised by Aboriginal groups with respect to the applied-for project have been discussed with any government department or agencies, and if so, identify when contacts were made and who was contacted.
- g) If any of the Aboriginal groups who were contacted either support the application or have not objection to the project proceeding, identify those groups and provide any available written document of their position. Also, indicate if their positions are final or preliminary or conditional in nature.
- h) Provide details of any known Crown involvement in consultations with Aboriginal groups in respect of the applied-for project.

Response:

- a) As noted in Section 4.2.4 of the Environmental Report (ER), the following Aboriginal groups were contacted in respect of this application: Mississaugas of the New Credit; Six

Nations of the Grand River; Mississaugas of Scugog Island First Nation; Hiawartha First Nation; Curve Lake First Nation; and, Alderville First Nation.

b)

- i) These Aboriginal groups were identified based on their proximity to the Study Area or potential involvement in a specific Land Claim.
- ii) Contact was first initiated on March 18, 2008 when a letter identifying the Notice of Commencement of project was sent directly to each of the above Aboriginal groups. A copy of this letter is included in Appendix B2 of the ER.
- iii) As shown in the contact list provided in Appendix B2 of the ER, the Chief of each Aboriginal group was contacted and are as follows: Bryan LaForme, Chief of the Mississaugas of the New Credit; William K. Montour, Chief of the Six Nations of the Grand River; Tracy Gauthier, Chief of the Mississaugas of Scugog Island First Nation; Laurie Carr, Chief of the Hiawartha First Nation; Keith Knott, Chief of the Curve Lake First Nation; and, James R. Marsden, Chief of the Alderville First Nation.
- iv) On March 18, 2008 letters were sent by Stantec to above listed Aboriginal groups as well as the following agencies: INAC – Environmental and Natural Resources Unit; INAC – Ontario Research Team; INAC – Specific Claims Branch; INAC – Comprehensive Claims Branch; INAC – Litigation Management and Resolution Branch; Ontario Secretariat for Aboriginal Affairs ; and, Ministry of the Attorney General – Crown Law Office – Civil.

On April 8, 2008 a letter was received by Stantec from INAC's Specific Claims Branch stating that no specific land claims have been submitted by a First Nation within the Study Area.

On April 10, 2008 a letter was received by Stantec from Six Nations of the Grand informing Stantec that the Study Area is within the 1701 Treaty Territory (within six miles on either side of the Grand River) and that they had no comments at this time but would like to be kept up to date on archaeological work that has been or will be conducted.

On May 8, 2008 a letter was sent to Six Nations of the Grand from Stantec providing an update on the archaeological work being conducted by D.R. Poulton and associates.

On June 2, 2008 a letter was sent by Stantec to recipients of the Notice of Commencement inviting them to attend the Public Information Session.

On June 16, 2008 a letter was received by Stantec from INAC's Litigation and Management Resolution Branch advising that there is active litigation within the vicinity of the Study Area by Six Nations of the Grand.

On August 8, 2008 Stantec mailed a hardcopy of the Stage 1 Archaeological Assessment to Lonny Bomberry, Director: Six Nations Lands and Resources.

On October 22, 2008 a letter was received by Union Gas from Six Nations of the Grand informing Union Gas that the Study Area is within the 1701 Treaty Territory (within six miles on either side of the Grand River) and that they had no comments at this time but would like to be kept up to date on archaeological artifacts that are found.

On November 10, 2008 a letter was sent by Union Gas to Six Nations of the Grand indicating that no artifacts have been found to date and that once all archaeological work is completed, an update would be provided.

c) As noted in Section 4.2.4 of the ER, the Six Nation of the Grand have indicated that lands within six miles on either side of the Grand River are included in Treaty 1701. Upon closer examination however, the Study Area is not within this area, and therefore not subject to Treaty 1701.

d) Relevant written documentation regarding consultations with Aboriginal groups is summarized in Appendix B1 and copies are located in Appendix B3 of the ER.

e) As noted in Section 4.2.4 of the ER, the Six Nation of the Grand have indicated that lands within six miles on either side of the Grand River are included in Treaty 1701. Upon closer examination however, the Study Area is not within this area, and therefore not subject to Treaty 1701.

The Six Nations of the Grand requested to be kept up to date with regards to archaeological work conducted within the Study Area. Stantec provided a written summary of work conducted to date (May 8, 2008, a copy of the letter is located in Appendix B3 of the ER) and were sent a hardcopy of the completed Stage 1 Archaeological Assessment (August 8, 2008). Union Gas has also indicated in a letter dated November 10, 2008 that an update would be provided once all archaeological work is completed. A small amount of work remains to be completed in the Spring of 2009.

f) Government agencies (listed in response 4.b.iv) were sent a Notice of Commencement on March 18, 2008 and an invitation to the Public Information Session on June 2, 2008. In both of these letters a summary of the progress of the project was provided and information regarding First Nations claims within the Study Area was requested.

g) There were no comments received that support or in objection to this application.

h) It is unknown as to whether the Crown has had any involvement in consultation with Aboriginal groups in respect to the proposed Project. If consultation has occurred, Union Gas has not been made aware of such consultation.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

Question:

Please review and provide any concerns and/or comments on the draft conditions of approval as set out below.

Response:

Union accepts and has no concerns with the proposed conditions of approval.