



EB-2009-0082

NOTICE OF APPLICATION AND HEARING

**GAS STORAGE AND DISTRIBUTION CONTRACT BETWEEN
UNION GAS LIMITED AND FERROUS PROCESSING
AND TRADING COMPANY**

The Application

Union Gas Limited ("Union") has filed an application (the "Application"), dated March 11, 2009, with the Ontario Energy Board under section 39(2) of the *Ontario Energy Board Act, 1998* for an order of the Board approving the parties to, the period of, and the cost-based storage that is the subject of a T1 Gas Storage and Distribution Contract (the "T1 Contract") with Ferrous Processing and Trading Company ("Ferrous") acting as fuel manager for Soave Hydroponics Company located in Kingsville Ontario.

The T1 Contract is for firm storage space of 89,446 GJ and deliverability of 3,250 GJ/day to East Windsor at cost-based rates. The T1 Contract has a five-year term effective December 1, 2008 to November 30, 2013.

The Board has assigned file number EB-2009-0082 to the Application.

How to See the Application and Union's Request for Confidential Treatment

Copies of the Application are available for public inspection at the Board's offices in Toronto and on its website, and at Union's offices (address below) and on its website.

Union has requested that the Board hold in confidence certain customer-specific information in the T1 Contract that Union considers to be commercially sensitive. Union has filed a redacted non-confidential version of the T1 Contract from which the commercially sensitive information has been removed, and it is this version that is

currently on the public record. Additional information regarding the Board's policy and practice concerning confidential filings may be found in the Board's *Rules of Practice and Procedure* and in its *Practice Direction on Confidential Filings*, which are available under "Regulatory Instruments" in the "Rules, Codes, Guidelines and Forms" section of the Board's website at www.oeb.gov.on.ca.

How to Participate

You may ask to become an intervenor if you wish to actively participate in the proceeding. Intervenors are eligible to receive evidence and other material submitted by participants in the hearing. Likewise, intervenors will be expected to send copies of any material they file to all parties to the hearing. Your request for intervenor status must be made by letter of intervention and be received by the Board no later than **10 days** from the service date of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the outcome of the proceeding; and if you represent a group, a description of the group and its membership. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from the applicant and the grounds for your eligibility for costs. You must provide a copy of your letter of intervention to the Applicant.

The Board will proceed with this case by way of a written hearing unless a party satisfies the Board that there is good reason for holding an oral hearing. Your letter of intervention should indicate your preference for a written or oral hearing, and the reason for that preference.

If you object to Union's request for confidential treatment, your submission to the Board must include the following:

- the reason why you believe that the information that is the subject of the request for confidentiality is not confidential, in whole or in part, by reference to the grounds for confidentiality expressed by Union; and
- the reason why you require disclosure of the information that is the subject of the request for confidentiality and why access to the redacted non-confidential version of the T1 Contract is insufficient to enable you to present your case.

If you require access to the confidential version of the document in order to submit your objection, you may request that the Board allow access for that purpose. Such request shall be made in writing and Union may object to the request.

You must file two paper copies and an electronic copy of your submission with the Board. If you already have a user ID, please submit the electronic copy of your submission through the Board's web portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. If the Board's web portal is not available, the electronic copy of your submission may be sent by e-mail. Those who do not have internet access are required to submit the electronic copy of their submission on a CD or diskette in PDF format.

How to Contact Us

In responding to this Notice please reference Board File Number EB-2009-0082. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

IMPORTANT

IF YOU DO NOT FILE A SUBMISSION IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THESE PROCEEDINGS.

-4-

Addresses

Ontario Energy Board

P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Ms. Kirsten Walli
Board Secretary
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656
E-mail: boardsec@oeb.gov.on.ca

The Applicant

Union Gas Limited
P.O. Box 2001
50 Keil Drive North
Chatham ON N7M 5M1

Attention: Mr. Chris Ripley
Manager, Regulatory Applications
Tel: 519-436-5476
Fax: 519-436-4641
E-mail: cripley@uniongas.com

- and -

Mr. Dan Jones
Assistant General Counsel
Tel: 519-436-4601
Fax: 519-436-5218
E-mail: dxjones1@uniongas.com

ISSUED at Toronto, April 06, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary