



EB-2009-0101

IN THE MATTER OF the *Ontario Energy Board Act 1998*, S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF an Application by Union Gas Limited for an Order or Orders amending or varying the rate or rates charged to customers as of July 1, 2009 in connection with the sharing of 2008 earnings under the incentive rate mechanism approved by the Ontario Energy Board on January 17, 2008.

PROCEDURAL ORDER NO. 2

Union Gas Distribution Inc. (“Union” or “Applicant”) filed an Application on April 2, 2009 with the Ontario Energy Board (the “Board”) under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board amending or varying the rate or rates charged to customers as of July 1, 2009, in connection with the sharing of 2008 earnings under the incentive rate mechanism approved by the Board on January 17, 2008 (the “Application”). The Board has assigned file number EB-2009-0101 to the Application and has issued a Notice of Application dated April 22, 2009.

On April 28, 2009 the Board issued Procedural Order No. 1 which set out, amongst other things, the timetable for this proceeding.

In a letter dated June 2, 2009, Union on behalf of the parties to the Settlement has asked that the date the Settlement Proposal is to be filed with the Board be extended to June 4, 2009.

Due to the circumstances outlined in the letter, the Board grants the extension and will hear submissions on the Settlement Proposal on June 8, 2009.

Please be aware that further procedural orders may be issued from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. A Settlement Proposal arising from the settlement conference shall be filed with the Board no later than 4:45 p.m. on **Thursday, June 4, 2009**. The Settlement Proposal should contain a list of any unsettled issues, identifying how these issues should be heard (i.e. orally or in writing). The Board will sit on **Monday, June 8, 2009** at 9:30 a.m. to hear submissions on the Settlement Proposal.
2. The oral hearing will continue, if necessary, on **Tuesday, June 9, 2009** at 2300 Yonge Street, Toronto in the Board's hearing room.

All filings to the Board must quote file number EB-2009-0101 and be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file seven 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. With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Richard Battista at richard.battista@oeb.gov.on.ca and Board Counsel, Donna Campbell at donna.campbell@oeb.gov.on.ca.

DATED at Toronto, June 3, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary