



EB-2007-0606
EB-2007-0615

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 approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF a combined proceeding Board pursuant to section 21(1) of the *Ontario Energy Board Act, 1998*.

PROCEDURAL ORDER No. 7

Union Gas Limited ("Union") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Ontario Energy Board (the "Board") approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008.

Enbridge Gas Distribution Inc. ("Enbridge" or "EGD") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008.

The Board has assigned file number EB-2007-0606 to the Union Application and file number EB-2007-0615 to the Enbridge Application and has issued a Notice of Applications and Combined Proceeding dated May 25, 2007.

The Board's Notice indicated that Union and Enbridge (the "Companies", the "Applicants") would be filing written evidence in support of their respective Applications in due course.

On June 27, 2007 the Board issued Procedural Order No. 1 which set out, amongst other things, the combined proceeding timetable. The timetable anticipated the filing of the Companies' written evidence by July 9, 2007.

On July 9, 2007 the Board issued Procedural Order No. 2 to set a date to hear submissions regarding the schedule for the proceeding and whether the Union and Enbridge Applications should continue to be heard on a combined basis. In an oral decision, dated July 13, 2007, the Board found that the Applications would continue to be heard on a combined basis and the timetable would be extended to provide additional time for the filing of evidence.

The Board issued Procedural Order No. 3 on July 16, 2007 which included an updated case timetable.

On August 13, 2007 the Board issued Procedural Order No. 4 which set out the Board-approved Issues List for the EB-2007-0606/EB-2007-0615 proceeding.

The Board issued Procedural Order No. 5 on August 31, 2007 which included an updated timetable for this proceeding.

On September 7, 2007 the Board issued Procedural Order No. 6 to set a date to hear submissions on Union's Motion for an order to sever Union's Application from the combined proceeding and to proceed independently of Enbridge's application.

On August 23, 2007 the Consumers Counsel of Canada ("CCC") filed an Amended Notice of Motion for:

1. An Order that an interim cost award or awards be made to the Council after various phases of this proceeding, according to a schedule to be determined by the Board.
2. An Order that interim and final cost awards be calculated using a scale of remuneration allowing an hourly rate of \$300 for senior counsel, consultants and experts.
3. In the alternative, an Order granting the Council its reasonably incurred disbursement costs only, on a periodic basis throughout the course of the proceeding, according to a schedule to be determined by the Board.
4. An order that a final cost award be made within thirty (30) days of the delivery of final argument in the proceeding.
5. The Council's costs of this Motion.
6. Such further and other relief as counsel may advise and the Board order.

The Board considers it appropriate to hear this matter in writing.

With respect to item 2 of the Motion, the Board considers this matter outside the purview of this proceeding and would be more appropriately dealt with in EB-2007-0683, the Board's Consultation on the Practice on Cost Awards. Therefore, the Board will not hear this aspect of the Motion.

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

The Board therefore orders that:

1. CCC shall file with the Board Secretary confirmation that it has served the parties to the EB-2007-0606/0615 proceeding with the Notice of Motion.
2. Parties who wish to comment on the Notice of Motion are to file their submissions with the Board by September 19, 2007.
3. Reply submissions from CCC must be filed with the Board by September 24, 2007.

DATED at Toronto, September 11, 2007.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary