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Name / Nom: James Adeney at /au: (416) 973-1500

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Our File: 2-450704

Notre dossier:

Your File:

Votre dossier:

September 8, 2009

EB-2008-0411

VIA FAX: 416-863-2653

Blake, Cassels & Graydon LLP
Barristers & Solicitors
Box 25, Commerce Court West
Toronto, ON M5L 1A9

Attention: Sharon Wong

RECEIVED

SEP 11 2009

ONTARIO ENERGY BOARD
OFFICE OF THE BOARD SECRETARY

Re: **IN THE MATTER OF** an Application by Union Gas Limited pursuant to section 43(1) of the Act, for an Order or Orders granting leave to sell 11.7 kilometres of natural gas pipeline between the St. Clair Valve Site and Bickford Compressor Site in the Township of St. Clair, all in the Province of Ontario

We acknowledge receipt of your Notice of Constitutional Question received on August 10, 2009, in the above-noted matter.

Please be advised that the Attorney General of Canada will not be intervening at this stage of the proceedings and there is no need to serve this office with anything further related to this matter at this stage.

However, please note the obligation imposed by s.109 of the Ontario *Courts of Justice Act* which prescribes that you must advise the Attorneys General of Canada and Ontario of any appeal or review of this matter in which the constitutional issue is raised.

Yours truly,

Roy Lee
Counsel

Public Law Group – Regulatory Law Section

Canada

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cc: The Attorney General of Ontario, Constitutional Law Division, Fax: 416-326-4015
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