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October 8, 2009

*Filed via RESS*

Ontario Energy Board  
2300 Yonge Street, F27  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Madam Secretary:

**Re: EB-2008-0411: GAPLO/CAEPLA Counsel Declaration and Undertaking  
re Confidential Information**

Further to the Board's Procedural Order No. 4, please find enclosed forms of declaration and undertaking executed by counsel for GAPLO/CAEPLA in this proceeding. We wish to receive the confidential information to be filed by Union at the request of the Board.

Yours very truly,

**COHEN HIGHLEY LLP**

Paul Vogel

email: [vogel@cohenhighley.com](mailto:vogel@cohenhighley.com)

c.c. Parties to EB-2008-0411 via email  
Encl.

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

**AND 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 kilometers 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.

**DECLARATION AND UNDERTAKING**

I, Paul Vogel, am counsel of record for GAPLO-Union (Dawn Gateway) and Canadian Alliance of Pipeline Landowners’ Associations (CAPLA):

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the “Board”) and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party of this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive and in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information (“Confidential Information”).
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

**UNDERTAKING**

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.

2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - a. return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - b. destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.

For this purpose, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

6. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at London, Ontario this 7<sup>th</sup> day of October, 2009.

Signature: \_\_\_\_\_

Name: Paul G. Vogel  
Company/Firm: Cohen Highley LLP  
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**IN THE MATTER OF** the *Ontario Energy Board Act 1998*,  
S.O.1998, c.15, (Schedule B) (the “Act”);

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Orders granting leave to sell 11.7 kilometers 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.

**DECLARATION AND UNDERTAKING**

I, John Goudy, am counsel of record for GAPLO-Union (Dawn Gateway) and Canadian Alliance of Pipeline Landowners’ Associations (CAPLA):

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the “Board”) and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party of this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive and in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information (“Confidential Information”).
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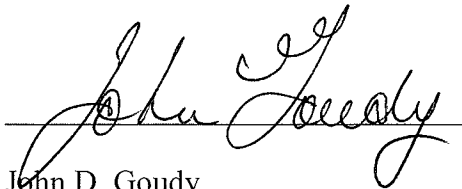
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6. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at London, Ontario this 7<sup>th</sup> day of October, 2009.

Signature:



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