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Our File No.: 11870-23

October 14, 2009

Mr. John Pickernell  
Assistant Board Secretary  
Ontario Energy Board  
P O Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, ON M4P 1E4

Dear Mr. Pickernell:

**Re: Union Gas Limited ("Union") – Application for Leave to Sell 11.7 km Natural Gas Pipeline to a limited partnership being created between Spectra Energy Corp. and DTE Pipeline Company (Board File No.: EB-2008-0411) Procedural Order No. 4**

Dawn Gateway Pipeline Limited Partnership ("Dawn Gateway") appreciates the extra time provided by the Ontario Energy Board ("Board") to file this response.

Respectfully, Dawn Gateway does not see the need to file this confidential information since neither the sale of a surplus, under-utilized pipeline asset nor the Board's jurisdiction to approve or deny the application turn on the pricing and term of these contracts recognizing that the balance of those terms have already been provided. At the same time, Dawn Gateway wishes to be respectful of a regulator's expressed desire to complete the record in respect of the Union Leave to Sell Application now before it.

While Dawn Gateway is reluctant to provide the requested information, it is prepared to do so if circulation of this commercially sensitive information can be restricted to the Board and its staff. The Board proposes to make this sensitive commercial information available to counsel and consultants representing the intervenors listed in Appendix A to Procedural Order #4. Some of those intervenors, such as Bluewater and TCPL, are direct competitors to Dawn Gateway. Disclosure of that information to those parties is prejudicial to Dawn Gateway's commercial interests. Dawn Gateway notes that it has previously indicated a willingness to provide these contracts to the National Energy Board ("NEB") on a confidential basis upon request. Confidential filings with the NEB under section 16.1 of the NEB Act typically are only viewed by the NEB and its staff, not intervenors hence the commercial prejudice noted above is not a concern with confidential filings with the federal regulator.

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Accordingly, Dawn Gateway is prepared to file the additional contract information requested confidentially on the same terms as it would with the NEB. Subject to the Board's confirmation of the acceptability of such an arrangement, Dawn Gateway is prepared to make the confidential filing without delay.

Furthermore, since intervenors before the Board have contended that Dawn Gateway's participation in the Union Gas Leave to Sell application has compromised its jurisdictional position, Dawn Gateway also wishes to make this additional information available to the Board without prejudice to its position that its applications are properly before the NEB.

Should you have any questions please do not hesitate to contact the undersigned.

Yours truly,

**BENNETT JONES LLP**



L. E. Smith

LES/lk

cc: Interested Parties  
Patricia Planting (Dawn Gateway)