

**Ontario Energy
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**Commission de l'énergie
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BY E-MAIL

October 19, 2009

Mr. L.E. Smith, Q.C.
Bennett Jones LLP
4500 Bankers Hall East, 855 - 2nd Street SW
Calgary Alberta T2P 4K7

Ms. Sharon Wong
Blake, Cassels & Graydon
Barristers & Solicitors
199 Bay Street, Suite 2800
Toronto ON M5L 1A9

Dear Mr. L.E. Smith, Q.C.:
Dear Ms. Wong:

**Re: Union Gas 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**

On October 7, 2009 the Board issued Procedural Order No. 4 requiring Union Gas Limited ("Union") and / or Dawn Gateway Limited Partnership ("Dawn Gateway") to file in confidence the five shippers' contracts referred to throughout the proceeding in order to complete the record of the proceeding.

On October 14, 2009 Dawn Gateway filed a letter with the Board advising that it considers the requested information to be commercially sensitive and, while it is prepared to provide the requested information, it requests that its circulation be restricted to the Board and its Staff. Dawn Gateway is particularly concerned that disclosure of the information to some participants in this proceeding, namely TCPL and Bluewater, which are direct competitors to Dawn Gateway, would have a prejudicial impact on Dawn Gateway's commercial interests. The Board agrees that Dawn Gateway's competitors should not have access to information contained in the shippers' contracts and therefore will limit circulation of the confidentially filed information to the Board panel and Board staff as well as

counsel for the following intervenors: Canadian Manufacturers and Exporters ("CME") and GAPLO / CAEPLA, as well FRPO, whose representative, Dwayne Quinn, is not counsel but is representing FRPO in this proceeding instead of counsel.

The Board confirms that it has received a Declaration and Undertaking in accordance with the Board's *Practice Direction on Confidential Filings* from CME, GAPLO / CAEPLA and FRPO. Accordingly, counsel for those intervenors and Mr. Quinn should be provided copies of the requested confidential information and a copy should be filed with the Board Secretary's Office by no later than October 20, 2009.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

C: Intervenor of Record