



EB-2007-0717

IN THE MATTER OF the *Ontario Energy Board Act*, S.O.
1998, c. 15, Sched. B;

AND IN THE MATTER OF an application from Union Gas
Limited for an order of the Board approving the parties to,
the period of, and the space for storage that is the subject of
a T1 Gas Storage Contract with LANXESS Inc.

PROCEDURAL ORDER NO. 1

Union Gas Limited ("Union") has filed an application (the "Application"), dated August 8, 2007, with the Ontario Energy Board under section 39(2) of the *Ontario Energy Board Act*, 1998 for an order of the Board approving, without a hearing, the period of, and the space for storage that is the subject of a T1 Gas Storage Contract (the "T1 Contract") with LANXESS Inc.

A Notice of Application for this proceeding was issued on August 24, 2007 and was served on all the participants in the EB-2005-0520 proceeding that established Union's 2007 rates. In the Notice, the Board asked for written submissions from interested parties that believe they will be adversely affected in a material way by the outcome of this proceeding. The Board received two responses – one from the City of Kitchener ("Kitchener") and one from the Industrial Gas Users Association ("IGUA").

Kitchener and IGUA have been granted intervenor status in this proceeding.

In its letter of intervention, Kitchener requested that this application proceed by way of an oral hearing. IGUA did not indicate a preference for the type of hearing. The Board has considered the nature of the evidence filed in this case and has decided to proceed by way of a written hearing.

Kitchener also objected to Union's request that the Board hold in confidence certain information in the contract that Union considers commercially sensitive or customer specific.

The Board's Practice Direction on Confidential Filings (the "Practice Direction") sets out the relevant procedures with respect to confidential filings. Among other things, the Practice Direction places the onus on the party requesting confidential treatment to demonstrate to the satisfaction of the Board that confidential treatment is warranted in any given case. Where a party has objected to a request for confidentiality, the Practice Direction allows for the party requesting confidentiality to reply to the objection.

The Board considers it necessary to make provision for a number of procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. This case will proceed by way of a written hearing.
2. Union shall file any reply to Kitchener's objection to Union's request for confidentiality, with copies to the Board and intervenors in this proceeding by **October 15, 2007**.
3. Intervenors and Board staff who wish information from the Applicant that is in addition to the evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant and the other Intervenors on or before Monday, **October 22, 2007**.
4. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to the Intervenors no later than Monday, **October 29, 2007**.
5. If you already have a user ID, submit your responses through the OEB portal at <http://www.errr.oeb.gov.on.ca/>. If you do not have a user ID, a request may be made to the Board Secretary at boardsec@oeb.gov.on.ca. All filings to the Board in relation to this proceeding must quote file number EB-2007-0717 and include your name, postal address and telephone number and, if available, e-mail address and fax number. The Board asks that parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat

(PDF) format. Those who do not have internet access must submit a CD or diskette in PDF format. For those who do not have computer access, two paper copies are required. Additionally parties are requested to follow the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at:

<http://www.oeb.gov.on.ca/documents/tools/efiling/RESS%20Document%20Guidelines.pdf>.

Parties must also include the Case Manager, Robert Caputo at robert.caputo@oeb.gov.on.ca and Board Counsel, Michael Millar at michael.millar@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto, October 5, 2007

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"
TO PROCEDURAL ORDER NO. 1
BOARD FILE NO. EB-2007-0717
DATED: October 5, 2007
INTERVENTION LIST

**UNION GAS INC.
T1 STORAGE CONTRACT WITH LANXESS INC.
EB-2007-0717**

APPLICANT & LIST OF INTERVENTIONS

Applicant	Rep. and Address for Service
Union Gas Inc.	Mr. Chris Ripley Manager, Regulatory Applications Union Gas Limited 50 Keil Drive North, P.O. Box 2001 Chatham ON N7M 5M1 Tel: 519-436-5476 Fax: 519-436-4641 Email: cripsey@uniongas.com
Counsel for applicant	Mr. Mark Murray Assistant General Counsel Union Gas Limited 50 Keil Drive North, P.O. Box 2001 Chatham ON N7M 5M1 Tel: 519-436-4601 Fax: 519-436-5218 Email: mmurray@uniongas.com
Intervenors	Rep. And Address for Service
1. City of Kitchener	Mr. Jim Gruenbauer City of Kitchener 200 King Street West P.O. Box 1118 Kitchener ON N2E 1H7 Tel: 519-580-3568 Fax: 519-741-2633 Email: Jim.Gruenbauer@kitchener.ca

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2. Industrial Gas Users Association

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