



EB-2008-0411

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.

PROCEDURAL ORDER NO. 5

On December 23, 2008, Union Gas Limited (“Union”) filed an application with the Ontario Energy Board (the “OEB”) under section 43(1) of the *Ontario Energy Board Act, 1998* seeking an order from the Board granting leave to sell 11.7 kilometers of 24 inch diameter steel natural gas pipeline running between the St. Clair Valve Site and the Bickford Compressor Site in the Township of St. Clair.

A Notice of Application dated February 3, 2009, was served and published by Union Gas as directed by the Board. The following parties were given intervenor status in this proceeding: Bluewater Gas Storage; Canadian Manufacturers & Exporters (“CME”); Dawn Gateway Pipeline L.P. (“DGPL”); Enbridge Gas Distribution Inc.; Federation of Rental-Housing Providers of Ontario (“FRPO”); GAPLO-Union (a group of landowners) and the Canadian Association of Energy and Pipeline Landowners’ Association and certain landowners who are affected directly by the current application (collectively “GAPLO/CAEPLA”); Market Hub Partners Canada L.P.; Shell Energy North America Inc.; St. Clair Pipelines L.P.; and TransCanada Pipelines Limited (“TransCanada”). Nexen Marketing and Ontario Power Generation were given observer status in this proceeding. CME, FRPO, and GAPLO/CAEPLA were deemed eligible for cost awards.

The Board issued its Decision and Order regarding the sale of the St. Clair Line on November 27, 2009 (the "Decision"). The Board requested that Union file, within 30 days of the Decision, its calculation of the cumulative under-recovery of the St. Clair Line from 2003 to the current time and its estimate as of the closing date of the transaction. The Decision allowed intervenors to make submissions regarding the accuracy of the estimate within 10 days of receiving the information from Union. The Decision also provided Union with the opportunity to reply to the submissions of the intervenors provided the reply submissions were made within 7 days of receipt of the intervenors' submissions.

Due to expected length of the EB-2008-0411 proceeding, the Board will adopt a phased cost award process. The Board will divide the proceeding into two phases for the purpose of cost awards; (1) costs incurred up to and including November 30, 2009; (2) costs incurred from December 1, 2009 until the conclusion of this proceeding. The phased cost award process will be available to all intervenors that have been deemed eligible for cost awards. Note that eligible intervenors have the option of requesting cost claims in each phase of the proceeding or may make a single cost claim for the entire proceeding in Phase 2 of the cost award process. Cost claims, and any objections to the cost claims, for Phase 1 of the proceeding shall be made in the timeframe set out below. Direction regarding cost claims for Phase 2 of the proceeding will be provided at a future date.

Note that when determining the amount of the cost awards, the Board will apply the principles set out in section 5 of the Board's Practice Direction on Cost Awards. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied.

THE BOARD ORDERS THAT:

- 1) Intervenors shall file with the Board and forward their respective cost claims for Phase 1 of the proceeding by **December 14, 2009**.
- 2) Union shall file with the Board and forward to the applicable intervenor any objections to the claimed costs by **December 18, 2009**.
- 3) The applicable intervenor shall file with the Board and forward to Union any responses to any objections for cost claims by **December 23, 2009**.

All filings with the Board must quote the file number **EB-2008-0411**, and be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must be received by the Board by 4:45 p.m. on the stated date. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may e-mail your documents to the attention of the Board Secretary at BoardSec@oeb.gov.on.ca. All other filings not filed via the Board's web portal should be filed in accordance with the Board's Practice Directions on Cost Awards.

DATED at Toronto, December 7, 2009.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary