



EB-2007-0606
EB-2007-0615

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

AND IN THE MATTER OF an Application by Union Gas
Limited for an Order or Orders approving or fixing a multi-
year incentive rate mechanism to determine rates for the
regulated distribution, transmission and storage of natural
gas, effective January 1, 2008;

AND IN THE MATTER OF an Application by Enbridge Gas
Distribution Inc. for an Order or Orders approving or fixing
rates for the distribution, transmission and storage of natural
gas, effective January 1, 2008;

AND IN THE MATTER OF a combined proceeding Board
pursuant to section 21(1) of the *Ontario Energy Board Act*,
1998.

DECISION AND PROCEDURAL ORDER No. 8

Union Gas Limited ("Union") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Ontario Energy Board (the "Board") approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008.

Enbridge Gas Distribution Inc. ("Enbridge" or "EGD") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008.

The Board has assigned file number EB-2007-0606 to the Union Application and file number EB-2007-0615 to the Enbridge Application and has issued a Notice of Applications and Combined Proceeding dated May 25, 2007.

The Board's Notice indicated that Union and Enbridge (the "Companies", the "Applicants") would be filing written evidence in support of their respective Applications in due course.

On June 27, 2007 the Board issued Procedural Order No. 1 which set out, amongst other things, the combined proceeding timetable. The timetable anticipated the filing of the Companies' written evidence by July 9, 2007.

On July 9, 2007 the Board issued Procedural Order No. 2 to set a date to hear submissions regarding the schedule for the proceeding and whether the Union and Enbridge Applications should continue to be heard on a combined basis. In an oral decision, dated July 13, 2007, the Board found that the Applications would continue to be heard on a combined basis and the timetable would be extended to provide additional time for the filing of evidence.

The Board issued Procedural Order No. 3 on July 16, 2007 which included an updated case timetable.

On August 13, 2007 the Board issued Procedural Order No. 4 which set out the Board-approved Issues List for the EB-2007-0606/EB-2007-0615 proceeding.

The Board issued Procedural Order No. 5 on August 31, 2007 which included an updated timetable for this proceeding.

On September 7, 2007 the Board issued Procedural Order No. 6 to set a date to hear submissions on Union's Motion for an order to sever Union's Application from the combined proceeding and to proceed independently of Enbridge's application. In this regard, the Board found that the Applications would continue to be heard on a combined basis.

The Board issued Procedural Order No. 7 on September 11, 2007 which set filing dates for submissions and reply on the Consumers Counsel of Canada's ("CCC") Motion for orders regarding the awarding of interim costs in the EB-2007-0606/0615 proceeding.

Industrial Gas Users Association's Request

Included in IGUA's submission on Union's Motion to Sever, heard on September 13, 2007, was a request for an order requiring Union to forthwith pay IGUA's reasonably incurred costs in connection with Union's Motion. The Board reserved its decision.

The Board notes that the Companies' Applications are being heard on a combined basis. IGUA has not provided sufficient grounds that demonstrate that substance of Union's Motion is unrelated to Enbridge's participation to date in the proceeding. Accordingly the Board denies IGUA's request that IGUA's costs be attributed solely to Union.

The Board will address the timing of the awarding of intervenor costs related to Union's Motion when it considers CCC's Motion per Procedural Order No. 7.

Technical Conferences

The current schedule provides for two Technical Conferences, dated October 3-5 and October 24-25, 2007 respectively. To make best use of the time set aside for the conferences, the Board believes it would be advantageous for parties to provide a list, in advance of the conference, of the questions they will be asking. This should make for a more effective conference and reduce the number of undertakings.

Please be aware that further procedural orders may be issued from time to time.

The Board therefore orders that:

1. Parties who intend to participate in the Technical Conference to be held on October 3-5, 2007 are to provide the respondent(s) a written list of questions they intend to ask by September 28, 2007, and copy the Board Secretary and all parties.
2. Parties who intend to participate in the Technical Conference to be held on October 24-25 are to provide the respondent(s) a written list of questions they intend to ask by October 19, 2007, and copy the Board Secretary and all parties.

DATED at Toronto, September 20, 2007.

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary