



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*.

PROCEDURAL ORDER No. 9

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.

On September 20, 2007 the Board issued Procedural Order No. 8 which set October 19, 2007 as the date by which parties were to provide respondents a written list of questions for the Technical Conference on Intervenor Evidence scheduled for October 24-25, 2007. By way of letter dated October 12, 2007, the Board revised the due date to October 23, 2007.

On September 21, 2007 Union filed a Notice of Motion for an order:

1. Declaring Union's rates for the distribution, transmission and storage of natural gas to be interim effective January 1, 2008; and
2. Implementing new interim rates effective January 1, 2008 in accordance with Exhibit D Tab 2 of Union's pre-filed evidence in this proceeding.

The Board considers it appropriate to hear this matter orally.

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

The Board therefore orders that:

1. Union's Motion shall be heard on Tuesday November 6, 2007 at 9:30 am in the Board's Hearing room, 25th floor, 2300 Yonge Street, Toronto, Ontario.
2. Union shall file with the Board Secretary confirmation that it has served the parties to the EB-2007-0606/0615 proceeding with the Notice of Motion, by October 22, 2007 at 4:00 pm.
3. Union shall file a Factum outlining the submissions they intend to make at the hearing of the Motion, together with any evidence they intend to rely on, with the Board Secretary, 11 hard copies and one electronic copy in searchable PDF format at boardsec@oeb.gov.on.ca, by October 23, 2007 at 4:00 pm, and copy all parties.
4. Other parties who wish to make submissions at the hearing of the Motion shall file a Factum outlining the submissions they intend to make, together with any evidence they intend to rely on, with the Board Secretary, 11 hard copies and one electronic copy in searchable PDF format at boardsec@oeb.gov.on.ca, by November 1, 2007 at 4:00 pm, and copy all parties.

DATED at Toronto, October 18, 2007.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary