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January 18, 2010

Electronic Filing via *RESS*

Attention: Kirsten Walli, Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge St.
Toronto, ON M4P 1E4

Dear Madam Secretary:

**RE: GAPLO-Union (Dawn Gateway) / CAPLA
Intervention Request Letter
Dawn Gateway Application for Leave to Construct
EB-2009-0422**

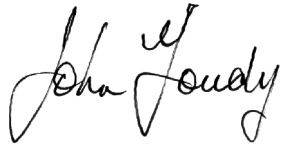
We are counsel to GAPLO-Union (Dawn Gateway) and the Canadian Association of Energy and Pipeline Landowner Associations ("CAEPLA"), which are organizations representing landowners directly affected by the proposed Dawn Gateway pipeline project. We were served with a copy of the Board's Notice of Application in this proceeding and Dawn Gateway's Application on January 7, 2010.

Please find enclosed for filing with the Board our Notice of Intervention delivered on behalf of GAPLO-Union (Dawn Gateway), CAEPLA and the individual landowner members of GAPLO-Union (Dawn Gateway).

We trust this is satisfactory. If you require any additional information, please do not hesitate to let us know.

Yours very truly,

COHEN HIGHLEY LLP

A handwritten signature in black ink, reading "John D. Goudy". The signature is written in a cursive style with a large, stylized "J" and "G".

John D. Goudy
email: goudy@cohenhighley.com

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF The Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B, and in particular, s.36 and s.90 thereof;

AND IN THE MATTER OF an Application by Dawn Gateway Pipeline Limited Partnership ("Dawn Gateway") for an Order granting leave to construct the Bickford Dawn Pipeline consisting of a 24 inch diameter natural gas pipeline in the Township of St. Clair and in the Township of Dawn-Euphemia in the County of Lambton.

NOTICE OF INTERVENTION

1. GAPLO-Union (Dawn Gateway), the Canadian Association of Energy and Pipeline Landowner Associations ("CAEPLA") and the private landowners directly affected by the proposed Dawn Gateway project hereby apply for full-time intervenor status in the above-referenced proceeding.

NATURE OF INTEREST

2. GAPLO-Union (Dawn Gateway) is a voluntary association consisting of landowners who are directly affected by Dawn Gateway's proposed pipeline project.

3. GAPLO-Union (Dawn Gateway) is a member association of CAEPLA, which is a national umbrella organization representing energy and pipeline landowners and landowner associations across Canada.

4. All of the individual members of GAPLO-Union (Dawn Gateway) personally or through related corporations own land which is affected by the Dawn Gateway Pipeline (either the existing St. Clair Line section or the proposed Bickford to Dawn pipeline) and accordingly are parties affected by Dawn Gateway's application. On request of the Board, GAPLO-Union (Dawn Gateway) will file a confidential listing of these landowners.

INTENTION TO PARTICIPATE

5. GAPLO-Union (Dawn Gateway) and CAEPLA intend to participate actively in the proceeding by submitting interrogatories, evidence and argument, and by cross-examining witnesses at the oral hearing.

ISSUES

6. Dawn Gateway's application relates to the proposed construction of the Bickford to Dawn Line as well as approval of a regulatory and tolls structure for the entire Dawn Gateway Pipeline, including the existing St. Clair Line now owned by Union Gas Limited. The landowner members of GAPLO-Union (Dawn Gateway) have a direct interest in all aspects of Dawn Gateway's Application and intend to participate fully in the proceeding with respect to all issues.

7. In response to the Board's Notice of Application and pursuant to Rule 34.01 of the ***OEB Rules of Practice and Procedure***, GAPLO-Union (Dawn Gateway) and CAEPLA request that this application proceed by way of an oral hearing. GAPLO-Union (Dawn Gateway) and

CAEPLA propose to develop and pre-file expert evidence for the Board's assistance in considering the concerns of landowners regarding the proposed project.

8. Pending completion of their review of Dawn Gateway's pre-filed evidence (which has only recently been posted on the Board's website), GAPLO-Union (Dawn Gateway) and CAEPLA reserve their rights pursuant to Rule 23.04 of the *OEB Rules of Practice and Procedure* to deliver a supplementary Notice of Intervention.

CHOICE OF LANGUAGE

9. GAPLO-Union (Dawn Gateway) and CAEPLA wish to be heard in the English language.

COMMUNICATIONS

10. All communications in relation to this intervention should be directed to:

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AWARD OF COSTS

11. GAPLO-Union (Dawn Gateway) and CAEPLA intend to seek an award of costs for their participation in this proceeding. Pursuant to the provisions of Section 4.01 of the *OEB Practice*

Direction On Cost Awards, GAPLO-Union (Dawn Gateway) and CAEPLA request determination by the Board of their eligibility for a cost award upon the grounds that:

- (a) GAPLO-Union (Dawn Gateway) and CAEPLA represent the interests of the landowner members of GAPLO-Union (Dawn Gateway) who are directly affected by Dawn Gateway Application;
- (b) GAPLO-Union (Dawn Gateway) and CAEPLA also represent the public interest in ensuring that Dawn Gateway's application is properly assessed and considered in light of its significant implications for landowners, agriculture and land use in Ontario, and in ensuring that the application is not approved unless negative implications of the proposed project have been fully addressed by Dawn Gateway.

DATED at London, Ontario this 18th day of January, 2010.



PAUL G. VOGEL



JOHN D. GOUDY