



By electronic filing and by e-mail

January 18, 2010

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th floor
Toronto, ON M4P 1E4

Dear Ms Walli,

Union Gas Limited ("Union")
Calculation of Under-Recovery
Board File No.: EB-2008-0411
Our File No.: 339583-000036

We are writing to object to the new evidence and argument Union has included in its Reply Submission.

We request a ruling that the portion of the Reply that commences at page 4, line 14 and concludes at page 7, line 5 is new evidence and argument and not proper Reply. Parties opposite in interest to Union have no opportunity to respond to this new material.

We submit that Union cannot, in its Reply Submission, submit new evidence and new argument based thereon in an attempt to support its calculation of the portion of the gain allocable to ratepayers.

The tactics Union has adopted offend the rules of fair play and warrant censure. Fairness considerations require that the foregoing portions of the Reply be disregarded and struck and we respectfully request the issuance of a ruling to that effect.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Peter C.P. Thompson', is written over a horizontal line.

Peter C.P. Thompson, Q.C.

PCT\slc
c. Sharon Wong (Blakes)
All Intervenors EB-2008-0411
Paul Clipsham (CME)

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