



**EB-2009-0422**

**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 Dawn Gateway Pipeline Limited Partnership for an Order or Orders granting leave to construct a natural gas pipeline and ancillary facilities in the Townships of St. Clair and Dawn-Euphemia, all in the County of Lambton, and approving the regulatory framework and the tariff for the transmission of gas on the Ontario portion of the Dawn Gateway Pipeline.

### **PROCEDURAL ORDER NO. 1**

Dawn Gateway Pipeline Limited Partnership ("Dawn Gateway LP") has filed an Application with the Ontario Energy Board (the "Board"), dated December 23, 2009 under sections 36 and 90 of the *Ontario Energy Board Act*, 1998, S.O. 1998, C.15 (Schedule B) for approval of a regulatory framework for the Ontario portion of the Dawn Gateway Pipeline including charging tolls at negotiated prices and for leave to construct approximately 17 kilometers of 24 inch diameter steel natural gas pipeline in the County of Lambton (the "Bickford Dawn Pipeline"). The Board has assigned the application Board File No. EB-2009-0422.

Dawn Gateway LP and Dawn Gateway Pipeline LLC plan to develop a dedicated 34 kilometer 24 inch diameter steel natural gas transmission pipeline to be known as the Dawn Gateway Pipeline connecting the Belle River Mills Compressor Station in Michigan to the Dawn Compressor Station in Ontario.

The proposed Bickford Dawn Pipeline will proceed from the existing Bickford Compressor Station, located in the Township of St. Clair to the existing Dawn Compressor Station, located in the Township of Dawn-Euphemia, all in the County of Lambton. The Bickford Dawn Pipeline will form part of the Dawn Gateway Pipeline.

Dawn Gateway LP has proposed a regulatory framework for the Ontario portion of the Dawn Gateway Pipeline. The proposed regulatory framework includes charging tolls at negotiated rates in accordance with the Tariff which Dawn Gateway LP has filed with the Board.

The Board issued a Notice of Application and Hearing dated December 31, 2009. The Board received requests for intervenor status from a number of parties. The Board will grant intervenor status to all the parties that requested such a status. These parties are: Canadian Manufacturers and Exporters (“CME”); Enbridge Gas Distribution Inc. (“Enbridge”); GAPLO – Union (a group of landowners), the Canadian Association of Energy and Pipeline Landowner Associations and certain landowners who are affected directly by the proposed Dawn Gateway project (collectively “GAPLO/CAEPLA”); and TransCanada Pipelines Limited (“TransCanada”). A number of the parties that requested intervenor status also requested eligibility to claim an award of costs. The Board will grant cost eligibility status to all the parties that requested such status. These parties are: CME and GAPLO/CAEPLA.

A proposed Draft Issues List prepared by Board Staff is attached as Appendix B to this Order. Intervenors and the Applicant will be given an opportunity to file written submissions on the Draft Issues List in the timeline set by this Procedural Order. Upon review of the submissions the Board will establish an approved Issues List which will set the scope of the proceeding.

At this time the Board considers it necessary to make provision for the following procedural matters. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. The approved List of Intervenors is attached as Appendix “A” to this Procedural Order.
2. All parties, including Dawn Gateway LP, wishing to make a submission on the Draft Issues List attached to this Order may do so on or before **January 27, 2010**.

3. All parties, including Dawn Gateway LP, may reply to any submission on the Draft Issues List by **February 1, 2010**.
4. Parties seeking information and material on Dawn Gateway LP's evidence shall request it by written interrogatories filed with the Board and delivered to all the parties no later than **February 16, 2010**.
5. Dawn Gateway LP shall file complete responses to all the interrogatories with the Board and deliver the responses to the other parties no later than **February 22, 2010**.
6. The oral hearing will commence on **March 1, 2010** at 9:30 a.m. The hearing may proceed on **March 2, 2010**, if needed.

All filings to the Board must quote file number EB-2009-0422, be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available you may email your document to the [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

**DATED** at Toronto, January 20, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**APPENDIX “A”**

**EB-2009-0422**

**List of Intervenorors**

**DATED: January 20, 2010**

**Dawn Gateway Pipeline Limited Partnership  
EB-2009-0422  
APPLICANT & LIST OF INTERVENORS**

January 20, 2010

**APPLICANT**

**Rep. and Address for Service**

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**INTERVENORS**

**Canadian Manufacturers &  
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**Dawn Gateway Pipeline Limited Partnership**  
**EB-2009-0422**  
**APPLICANT & LIST OF INTERVENORS**

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**Dawn Gateway Pipeline Limited Partnership  
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**Dawn Gateway Pipeline Limited Partnership  
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**APPLICANT & LIST OF INTERVENORS**

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**APPENDIX “B”**

**EB-2009-0422**

**Draft Issues List**

**DATED: January 20, 2010**

# **Dawn Gateway Pipelines Limited Partnership**

**EB-2009-0422**

## **Draft Issues List**

### **Regulatory Framework**

1. Is the proposed regulatory framework appropriate?
2. Should the Ontario Energy Board's Storage and Transmission Access Rule apply to Dawn Gateway LP?
3. How are the provisions of the Ontario Energy Board's Affiliate Relationship Code being met?

### **Leave to Construct the Bickford Dawn Pipeline**

4. Is the Applicant a capable prospective pipeline operator in terms of technical and financial capabilities to develop and operate the proposed pipeline facilities?
5. Is there a need for the proposed pipeline?
6. What are the environmental impacts associated with construction of the proposed pipeline and are they acceptable?
7. Are there any outstanding landowner matters for the proposed pipeline routing and construction?