

January 25, 2010

Kirsten Walli, Board Secretary
ONTARIO ENERGY BOARD
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E5

Dear Ms. Walli:

Re: EB-2009-0422: Dawn Gateway Pipeline Limited Partnership Regulatory Approvals.
Industrial Gas Users Association (IGUA) Letter of Intervention.

We write as legal counsel to IGUA.

Application for Late Intervenor Status.

IGUA is in receipt of the Board's Notice of Application and Hearing in the captioned proceeding dated December 31, 2009.

This proceeding was brought to the writer's attention on or about Tuesday January 19th, prior to which neither the writer nor IGUA were aware that this application had been filed. We proceeded promptly to download the application materials and review the application so that we could advise our client. We have today received instructions to request intervenor status in this proceeding.

Therefore, and on the basis of the information set out below, we hereby request, on behalf of IGUA, that the Board accept this application for late intervenor status. We are aware of the Procedural Order issued by the Hearing Panel on January 20th, and IGUA is in a position to adhere to the procedural dates specified therein.

Description of IGUA.

IGUA is an association of industrial companies located in the Canadian provinces of Manitoba, Ontario and Québec who use natural gas in their industrial operations. IGUA was first organized in 1973 and it provides a coordinated and effective public policy and regulatory voice for those industrial firms

depending on natural gas as a fuel or feedstock. IGUA has become the recognized voice representing the industrial user of natural gas before regulatory boards and governments at both the provincial and national levels.

Nature and Scope of IGUA's Intended Participation.

IGUA has historically been an active participant in gas distribution rate setting and other regulatory proceedings in Ontario. As representative of potential shippers on the proposed pipeline, IGUA's interests in this proceeding relate to the regulatory framework aspect of the application, as reflected in issues 1 through 3 of the Board's draft issues list attached to Procedural Order No.1. IGUA intends to actively participate in all aspects of this proceeding, in respect of the regulatory framework issues. IGUA may also have an interest in other issues allowed by the Board for review herein, as the record is developed.

Intention to Seek an Award of Costs.

IGUA also hereby requests that it be determined eligible for recovery of its reasonably incurred costs of its intervention herein.

As a party primarily representing the direct interests of industrial consumers (i.e. ratepayers) in relation to regulated services, IGUA has in the past been determined to be eligible for cost awards pursuant to section 3.03(a) of the Board's *Practice Direction on Cost Awards*.

Request for Written Evidence and Contact Information.

IGUA requests that copies of written evidence and all circulated correspondence related to this matter be directed to it as follows:

Ian Mondrow, Counsel
MACLEOD DIXON, LLP
Toronto Dominion Centre
500-100 Wellington Street West
Toronto, ON M5K 1H1

Phone: (416) 203 4435
Fax: (416) 360 8277
ian.mondrow@macleoddixon.com

Murray Newton, President
INDUSTRIAL GAS USERS ASSOCIATION
99 Metcalfe Street, Suite 1201
Ottawa ON K1P 6L7

Phone: (613) 236 8021
Fax: (613) 230 9531
mnewton@igua.ca

Your truly,
MACLEOD DIXON LLP



Ian A. Mondrow

c. Murray Newton, IGUA
Mary Jane Patrick, DAWN GATEWAY PIPELINE LIMITED PARTNERSHIP
Sharon Wong, BLAKES (Counsel for the Applicant)

166335.v1