



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. 2

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 Board issued a Notice of Application and Hearing dated December 31, 2009. The notice was served and published as directed by the Board.

On January 20, 2010 the Board issued Procedural Order No. 1 setting the schedule for the proceeding. Procedural Order No. 1 also provided for submissions on a proposed Draft Issues List prepared by Board Staff and attached as Appendix B to Procedural Order No. 1. Intervenor and the Applicant were given an opportunity to file written submissions on the Draft Issues List by January 27, 2010 and to file any reply submissions by February 1, 2010.

Only one party filed submissions within the set timeline. The CME filed a letter dated January 27, 2010 stating that they agreed on the proposed issues list. No other submission was received.

The Board has reviewed the submission related to the Draft List. The Board approved Issues List setting out the scope of the proceeding is attached as Appendix A to this Order.

The timeline for the proceeding set in Procedural Order No. 1 remains unchanged.

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 Issues List attached as the Appendix A to this procedural order is approved.

DATED at Toronto, February 5, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX “A”

EB-2009-0422

Approved Issues List

DATED: February 5, 2010

Dawn Gateway Pipelines Limited Partnership

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Issues List

Regulatory Framework

1. Is the regulatory framework proposed in the Application appropriate?
2. Should the Ontario Energy Board's Storage and Transmission Access Rule apply to the Ontario portion of the Dawn Gateway Pipeline?
3. How are the provisions of the Ontario Energy Board's Affiliate Relationship Code satisfied by Dawn Gateway LLP and its affiliates in the proposed regulatory framework?

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?