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February 22, 2010

**Matter #: 10-024**

**By Email - [boardsec@oeb.gov.on.ca](mailto:boardsec@oeb.gov.on.ca)**

**By Fax – 1-416-440-7656**

**By Regular Mail**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 26th Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

**Re: Tribute Resources – re Procedural Order #1**

**Board File Numbers: EB-2009-0338 / EB-2009-0339 / EB-2009-0340**

Pursuant to Procedural Order No. 1, please find enclosed Submission of McKinley Farms Ltd. and 2195002 Ontario Inc. (the "Intervenors").

Yours very truly,  
**Chinneck Law**  
Professional Corporation

  
Per, Jed M. Chinneck

JMC:mak

Encl.

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cc: Christopher Lewis, Giffen & Partners  
All Intervenors  
Dan Elliott, Manager, Petroleum Resources Centre

Please reply to the selected office

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**RE: TRIBUTE RESOURCES AND BAYFIELD RESOURCES INC.  
APPLICATIONS TO DEVELOP HURON BAYFIELD STORAGE PROJECT  
EB-2009-0338, EB-2009-0339, EB-2009-0340**

**RE: PROCEDURAL ORDER #1**

**SUBMISSION BY  
McKINLEY FARMS LTD. and 2195002 ONTARIO INC.  
(the "Intervenors")**

1. The Intervenors note that the Applicants have expressed great urgency in proceeding with the Applications, and in fact have, in each Application, requested the Board's timely approval of all three Applications by June 30<sup>th</sup>, 2010, less than 4-1/2 months away.
2. The Intervenors have no desire to delay the Applications or add to the costs.
3. The Intervenors agree with the submissions of Board Staff that a stay is not required for all the Applications before the Board, as some do not turn on issues considered by the Court of Appeal.
4. The Intervenors submit that the following Applications or parts thereof do **not** turn on issues being considered by the Court, and respectfully requests that the Board proceed with those Applications or parts thereof in the ordinary course:
  1. EB-2009-0338 – Leave to construct – all;
  2. EB-2009-0339 – Bayfield Pool – s.36(1) – all;
  3. EB-2009-0340 - Stanley Pool – s.36.1(1) – Designation order.
5. The Intervenors submit that the following parts of the Applications do turn on the issues being considered by the Court, and submits that the Board stay those portions until the Court of Appeal renders its decision and the period of appeal therefrom has expired with no appeal having been made:
  1. EB-2009-0340 – Stanley Pool – s.38(1) – Authorization order;
  2. EB-2009-0340 – Stanley Pool – s.38(3) – Compensation order;
  3. EB-2009-0340 – Stanley Pool – s.40(1) – Favourable report to MNR re license to drill;

All of which is respectfully submitted.

McKinley Farms Ltd. and 2195002 Ontario Inc.  
By their lawyer,  
Chinneck Law Professional Corporation

Per: 

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Jed M. Chinneck

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