



By Electronic Filing & By Email

October 31, 2007

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
27th floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms Walli

Gas Storage Contract Approval			
Union Gas Limited ("Union") T1 Gas Contract with LANXESS Inc.		Union Gas Limited T1 Contract with St. Clair Power LP	
Board File No.:	EB-2007-0717	Board File No.:	EB-2007-0718
Our File No.:	302701-000389		

In our capacity as the solicitors for the Industrial Gas Users Association ("IGUA"), we are writing to obtain clarification of the Decision and Order that issued on October 29, 2007, with respect to the objection made by the City of Kitchener ("Kitchener") to the request of Union Gas Limited ("Union") that the Board hold in confidence certain information contained in the T1 Gas Storage and Distribution Contracts (the "T1 Contracts") with LANXESS Inc. ("LANXESS") and St. Clair Power LP ("St. Clair").

By way of background, we wish to emphasize that our client IGUA did not challenge Union's request for confidentiality. Rather, IGUA simply requested that its counsel be permitted to have confidential access to the confidential information in accordance with the usual practice the Board follows pursuant to Section 6 of its Practice Direction on Confidential Filings.(emphasis added) The introductory portion of that Section of the Board's Practice Direction states as follows:

"Where the Board has agreed to a request for confidentiality, the confidential information will not be placed on the public record. Representatives of parties to the proceeding will generally be given access to the confidential information provided that suitable arrangements as to confidentiality are made, although the Board may limit access to confidential information to those parties that the Board has determined require access to the confidential information in order to present their cases."

Borden Ladner Gervais LLP
Lawyers • Patent & Trade-mark Agents
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa ON K1P 1J9
tel.: (613) 237-5160 fax: (613) 230-8842
www.blgcana.com

PETER C.P. THOMPSON, Q.C.
direct tel.: (613) 787-3528
e-mail: pthompson@blgcana.com



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The balance of Section 6 of the Practice Direction sets out the principal arrangements that the Board uses in allowing limited and conditional access to confidential information by representatives of parties to the proceedings. These measures include the execution of a Declaration and Undertaking, and the limiting of disclosure to counsel for particular parties.

We respectfully request that the Board clarify that its October 29, 2007 Decision and Ruling is limited to responding to Kitchener's objection to the confidentiality claim made by Union, and that counsel for IGUA will be permitted to have confidential access to the confidential information, as specified in the Practice Direction.

The Distribution services information such as daily contract demand and annual demand, which the Board has determined should be held in confidence, is information which is relevant to the case IGUA wishes to present with respect to the appropriate method(s) to be used to determine Storage Allocation issues. This type of monopoly services information has always been made available in prior cases on a customer-specific basis (with the customers identified by letter or number). If referring to this type of information during the course of a hearing poses confidentiality problems, then the Board can use the "in-camera" proceeding process described in the Practice Direction to consider confidential information that parties rely upon to present their case.

Accordingly, we request that the Board clarify that its Decision and Order in this matter is confined to a ruling on the objection made by Kitchener, and that counsel for IGUA is not being denied confidential access to confidential information which IGUA needs to develop and present its case.

Yours very truly

Peter C.P. Thompson, Q.C.

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c. Interested Parties
Murray Newton (Industrial Gas Users Association)
Vince DeRose (Borden Ladner Gervais)

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