



EB-2010-0039

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 Union Gas
Limited for an Order or Orders amending or varying the
rate or rates charged to customers as of October 1,
2010.

PROCEDURAL ORDER NO. 1

Union Gas Distribution Inc. ("Union") filed an application dated April 22, 2010 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act*, 1998, S.O. c.15, Schedule B, for an order of the Board amending or varying the rate or rates charged to customers as of October 1, 2010 in connection with the sharing of 2009 earnings under the incentive rate mechanism approved by the Board as well as final disposition of 2009 year-end deferral account and other balances (the "Application"). Union is also seeking approval of a cost allocation methodology used to allocate costs between Union's regulated and unregulated businesses. The Board has assigned file number EB-2010-0039 to the Application.

Union is seeking an order or orders approving \$5.624 million as the customer portion of earnings sharing in 2009 and the proposed disposition of that amount to Union's customers.

Union is also seeking disposition of a \$9.208 million credit payable to rate payers which is the net of the 2009 balances in the deferral accounts which it is seeking to clear, the 2009 market transformation incentive and the 2009 tax change impact amount.

A Notice of Application was issued on May 14, 2010. The last date for intervention in this proceeding was May 30, 2010.

The Board has received intervention letters from the following parties: Canadian Manufacturers & Exporters, City of Kitchener, Consumers Council of Canada, Enbridge Gas Distribution, Energy Probe, Federation of Rental Housing Providers of Ontario, Industrial Gas Users Association, London Property Management Association, School Energy Coalition, Shell Energy North America, and Vulnerable Energy Consumers Coalition. All of these parties except for the City of Kitchener, Enbridge Gas Distribution and Shell Energy North America also sought eligibility to apply for an award of costs. The Board has considered the requests for intervenor status and cost claim eligibility, and will grant all of the requests subject to Union's right to object within 6 days. A list of Intervenors including contact information is attached as Appendix "A".

The Board directs Union to serve this Procedural Order No.1 to all Intervenors listed in Appendix "A".

The Board will now make provision for the following procedural matters.

THE BOARD ORDERS THAT:

1. Intervenors and Board staff who wish information and material from Union that is in addition to the evidence filed with the Board, and that is relevant to this proceeding, shall request it by written interrogatories filed with the Board and delivered to Union on or before **Wednesday, June 16, 2010**.
2. Union shall file with the Board complete responses to interrogatories and deliver them to the intervenors and Board staff no later than **Monday, June 28, 2010**.
3. A Technical Conference, involving Board staff, Intervenors, and the Applicant will be convened on **Friday, July 9, 2009 at 9:30 a.m.** The Technical Conference will be held at 2300 Yonge Street, Toronto in the Board's hearing room on the 25th Floor.
4. A Settlement Conference will convene on **Monday, July 26, 2010 at 9:30 a.m.**, with the objective of reaching settlement on the issues. The Settlement

Conference will be held at 2300 Yonge Street, Toronto in the Board's hearing room on the 25th Floor and if needed may continue until Tuesday, July 27, 2010.

5. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. **on Friday, July 30, 2010**. The Board will sit on **Monday, August 9, 2010 at 9:30 a.m.** to consider the Settlement Proposal.
6. An oral hearing will commence on **Tuesday, August 10, 2010 at 9:30 a.m.** in the Board's hearing room. The hearing is currently scheduled for two days, concluding on Wednesday, August 11, 2010.

All filings to the Board must quote file number EB-2010-0039 and be made through the Board's web portal at 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. If the web portal is not available you may email your document to BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies. 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, June 1, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A

**Union Gas Limited
EB-2010-0039**

LIST OF INTERVENORS

June 1, 2010

**Union Gas Limited
EB-2010-0039**

APPLICANT & LIST OF INTERVENORS

June 1, 2010

APPLICANT

Rep. and Address for Service

Union Gas Limited

Chris Ripley

Manager
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50 Keil Drive North
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Chatham, ON N7M 5M1

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APPLICANT COUNSEL

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INTERVENORS

Rep. and Address for Service

Union Gas Limited

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**Canadian Manufacturers &
Exporters - Cost**

Paul Clipsham

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Peter Thompson

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City of Kitchener

J. Alick Ryder

Partner
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APPLICANT & LIST OF INTERVENORS

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June 1, 2010

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Enbridge Gas Distribution Inc. Bonnie Adams

Regulatory Coordinator
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June 1, 2010

Energy Probe - Cost

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Consultant

Energy Probe

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**Federation of Rental-housing
Providers of Ontario - Cost**

Dwayne Quinn

Principal

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**Industrial Gas Users
Association - Cost**

Ian Mondrow

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APPLICANT & LIST OF INTERVENORS

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June 1, 2010

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Wayne McNally

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Shell Energy North America (Canada) Inc.

Paul Kerr

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APPLICANT & LIST OF INTERVENORS

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Vulnerable Energy Consumers Michael Buonaguro
Coalition - Cost

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