



EB-2007-0606
EB-2007-0615

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 approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF a combined proceeding Board pursuant to section 21(1) of the *Ontario Energy Board Act, 1998*.

PROCEDURAL ORDER No. 10

Union Gas Limited ("Union") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Ontario Energy Board (the "Board") approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008.

Enbridge Gas Distribution Inc. ("Enbridge" or "EGD") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008.

The Board has assigned file number EB-2007-0606 to the Union Application and file number EB-2007-0615 to the Enbridge Application and has issued a Notice of Applications and Combined Proceeding dated May 25, 2007.

Enbridge Confidentiality Request

By way of letter dated October 12, 2007 Enbridge requested confidential treatment pursuant to the Board's Rules of Practice and Procedure and Practice Direction on Confidential Filings for the responses, or portions thereof, to certain undertakings ("Undertaking Responses"). These relate to Undertaking JTB.17/Third Party Service Contracts, Undertaking JTB.26/ Enbridge Inc. 2008 Budget and Undertaking JTB.25/ Enbridge Inc. 2007 Strategic Plan arising from the Technical Conference held on October 3-5, 2007.

Enbridge indicated that, with respect to the four Third Party Service Contracts (the "Contracts"), only one contractor has agreed to file the appended price lists, subject to confidential treatment. The other three contractors have refused to voluntarily consent to the filing of their respective pricing lists with the Board. Enbridge does not explicitly state its position on releasing these three contracts subject to the Board's Practice Direction of Confidential Filings, but it appears that it is opposed to releasing these three contracts at all.

Union Confidentiality Request

By way of letter dated October 29, 2007, Union stated that it was not opposed to providing its last annual and last two quarterly Reporting and Recordkeeping Requirements ("RRR") filings in response to a request by the Schools Energy Coalition, provided that the Board ordered Union to do so and that the filings would be subject to the Board's Form of Declaration and Undertaking with respect to confidentiality. It is the Board's own requirement that the requested information contained in the utilities' RRR filings be kept in confidence, and the Board therefore accepts that Union has made a strong *prima facie* case that these documents should be released only to those who have signed the Undertaking.

Enbridge Request for Interim Rates

On November 2, 2007 Enbridge filed a letter requesting that the Board issue an order declaring Enbridge's existing 2007 rates for the sale, distribution and storage of natural gas interim effective January 1, 2008 ("Interim Rates"). Enbridge noted that its EB-2007-0615 Application for new rates effective January 1, 2008 sought the relief that

“...in the event that a final rate Order in this proceeding will not be in place on January 1, 2008, ...that interim rates be set and implemented as of January 1, 2008.” Board will hear submissions on Enbridge’s request for Interim Rates in writing.

Cost Awards

The Board in its Decision on Motion dated October 15, 2007 allowed that for the purposes of this proceeding eligible intervenors can claim costs on a phased basis. The first phase includes costs incurred up to the filing date (October 19, 2007) for intervenor evidence.

Intervenor Listing

Attached as Appendix A is an updated listing of intervenors reflecting the withdrawal of Union Energy LP from this proceeding.

Please be aware that further procedural orders may be issued from time to time.

The Board therefore orders that:

1. Parties objecting to Enbridge’s request to confer confidential status to one of the Contracts and/or Enbridge’s not filing the other Contracts at all, must file their objections with the Board Secretary’s Office by November 14, 2007. Additional information regarding confidentiality requests can be found in the Board’s Practice Direction on Confidential Filings which is available on the Board’s web site.
2. If parties have filed objections to Enbridge’s request for the confidential treatment of the filed Contract and/or the non-production of the other three, Enbridge shall have until November 21, 2007 to file a reply submission with the Board Secretary’s Office.
3. Union is to provide its last annual and last two quarterly RRR filings to parties that sign the Board’s Form of Declaration and Undertaking with respect to confidentiality.
4. Parties who wish to make submissions regarding Enbridge’s request for Interim Rates shall file their submissions in writing by November 14, 2007. Any reply submission from Enbridge shall be filed by November 21, 2007.

5. All parties shall file their submissions, regarding 1, 2 and 4 above, with the Board Secretary, 11 hard copies and one electronic copy in searchable PDF format at boardsec@oeb.gov.on.ca by 4:45 p.m. on the date indicated, and copy all parties.
6. Eligible intervenors claiming costs associated with the first phase of this proceeding are to file their claims by November 28, 2007 in accordance with the Board's Practice Direction on Cost Awards. Enbridge and Union shall have until 14 calendar days from the date the cost claim was filed to object to any aspect of the costs claimed. The party claiming costs shall have 7 calendar days from the date of filing of the objections to file a reply. Filings are to be in the form of two hardcopies and one electronic copy in seachable PDF format at boardsec@oeb.gov.on.ca and copy Union Gas Limited and Enbridge Gas Distribution Inc.

DATED at Toronto, November 7, 2007.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A
UNION GAS LIMITED
ENBRIDGE GAS DISTRIBUTION INC.

2008 RATES CASE
EB-2007-0606
EB-2007-0615

List of Applicants and Intervenors

November 7, 2007

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