



EB-2007-0837

**NOTICE OF APPLICATION
AND
NOTICE OF WRITTEN HEARING**

Union Gas Limited (the “Applicant” or “Union”) has filed an application dated October 26, 2007 with the Ontario Energy Board (the “Board”) under section 43(2)(a) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the “Act”) for an order granting Union leave to purchase 75% of the Tipperary Gas Corp. (“Tipperary GP”). The Board has assigned file number EB-2007-0837 to the application.

Tipperary GP is the general partner of Huron Tipperary Partnership I (“Tipperary LP”), which owns the storage rights to land and facilities referred to as the Tipperary North and South Storage Pools located in the Township of Goderich, Municipality of Central Huron (the “Storage Pools”). Tipperary GP is a storage company as defined in the Act and currently is wholly-owned by Tribute Resources Inc. (“Tribute”).

Under the proposed transaction Union would:

- Purchase 75% of the shares of Tipperary GP from Tribute.
- Subscribe for a 75% interest in Tipperary LP.
- Operate the Storage Pools by contractual agreement with Tipperary LP once the Storage Pools are developed.
- Lease the space in the developed Storage Pools from Tipperary LP.

Sales of storage services from the Storage Pools are not subject to rate regulation by the Board. Union has indicated the purchase of shares of Tipperary GP and partnership units of Tipperary LP will not affect Union's regulated businesses or customers.

A copy of Union's application is attached in Appendix "A" to this notice. Copies of the application are available for inspection at the Board's office and the Applicant's head office at the addresses indicated below.

The Applicant requested that the Board proceed without a hearing and stated that no party, except Union and Tribute, is affected by the proposed transaction. Union stated that if the Board determined that a hearing is necessary a written hearing is requested.

The Board intends to proceed with the application by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board within **7 days** of the service date of this Notice.

The scope of the Board's public interest review of this application is defined by objectives 4 and 5.1 in section 2 of the Act. These objectives set the responsibilities of the Board in relation to gas storage:

- 4 To facilitate rational development and safe operation of gas storage.*
- 5.1 To facilitate the maintenance of a financially viable gas industry for the transmission, distribution and storage of gas.*

The Board is inviting comments from interested parties on Union's application. The written submissions shall be focused on the following questions within the scope of Board's review:

1. What is the effect of the proposed transaction on rational development and safe operation of storage?
2. Does the proposed transaction facilitate the maintenance of a financially viable industry for the transmission, distribution and storage of gas?

If you wish to participate in the written hearing, you must forward three copies of your written submissions to the Board Secretary and one copy to Union at the addresses below. The Board may order costs in this proceeding. You must indicate in your written submissions whether you expect to seek costs from Union and the grounds for your eligibility for costs.

All submissions must be received no later than **14 days** after the service date of this Notice. If Union wishes to respond to the written submissions such response must be received by the Board and by the each party that filed a submission no later than **21 days** after the service date of this Notice. If Union objects to a claim for cost eligibility, that objection shall be filed at the same time as Union's reply submission. All submissions must quote file no. EB-2007-0837, clearly state the sender's name and address, and be received by the Board Secretary by 4:45 p.m. on the required dates.

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board

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

Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

Filings: www.errr.oeb.gov.on.ca
E-Mail: Boardsec@oeb.gov.on.ca

Applicant

Union Gas Limited (Head Office)
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Attn: Ms. Michèle Thébeau
Director Regulatory Projects and
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Solicitor for Union Gas Limited

Blake, Cassels & Graydon LLP
Barristers & Solicitors
Commerce Court West
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Attn: Mr. Glenn F. Leslie

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E-Mail: glenn.leslie@blakes.com

DATED at Toronto November 13, 2007

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"

to Notice of Application and Written Hearing

EB-2007-0837

November 13, 2007

Application