



By electronic filing and by e-mail

August 18, 2010

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> floor  
Toronto ON M4P 1E4

Dear Ms Walli,

**Union Gas Limited ("Union")  
2009 Earnings Sharing Mechanism ("ESM") and  
Deferral Account and Other Balances  
Board File No.: EB-2010-0039  
Our File No.: 339583-000070**

I am writing on behalf of our client, Canadian Manufacturers & Exporters ("CME") to provide comments on the Draft Rate Order provided to the Board by Union on August 16, 2010. This Draft Rate Order arises from the August 10, 2010 Decision and Order of the Board.

CME's comments are limited to paragraph 8 of the Draft Rate Order. CME submits that paragraph 8 should be altered to read as follows:

8. ~~The Board will convene a hearing~~ **A two day hearing will be scheduled forthwith for dates** between November 29, 2010 and December 31, 2010 to address the balances in deferral accounts 179-121 and 179-122. In advance of that hearing, Union shall be entitled to file further written evidence to address any changes in circumstances subsequent to the date of the Settlement Agreement and parties will have an opportunity to ask interrogatories in respect of that evidence and file responding evidence. The **scheduling of and** procedure relating to the hearing may also be the subject of further Procedural Orders from the Board.

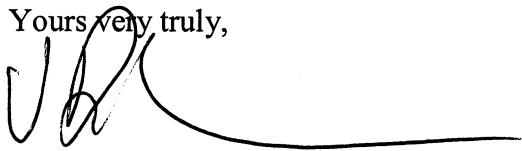
CME submits that all parties would benefit from the two day hearing being scheduled as early in December as possible. In particular, a hearing in the latter part of December would be a challenge for those parties that take vacations during the Christmas period. A two day hearing that occurs prior to December 15, 2010 would avoid conflicts with Christmas vacation. CME believes that any steps the Board can take to ensure that this hearing does not conflict with Christmas vacations would be greatly appreciated by the interested parties.

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.blgcanada.com

VINCENT J. DeROSE  
direct tel.: (613) 787-3589  
e-mail: vderose@blgcanada.com

Subject to the suggested changes above, CME supports the Rate Order as drafted by Union.

Yours very truly,

A handwritten signature in black ink, appearing to read 'VJD', followed by a long horizontal line extending to the right.

Vincent J. DeRose

VJD\slc

c. Chris Ripley (Union)  
EB-2010-0039 Intervenors  
Paul Clipsham (CME)

OTT01\4159602\1