



EB-2010-0374

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 Natural Resource Gas Limited for an Order or Orders pursuant to Section 90(1) of the *Ontario Energy Board Act 1998*, granting leave to construct a natural gas pipeline and ancillary facilities in the Township of Malahide, Municipality of Thames Centre and the Town of Aylmer.

AND IN THE MATTER OF a hearing on the Board's own motion to review orders made by the Board on June 29, 2007.

PROCEDURAL ORDER NO. 2

On December 7, 2010, the Ontario Energy Board issued a Notice of Motion to Review and Procedural Order No. 1 (the "Notice"). The motion to review related to a proceeding (EB-2006-0243) in which the Board had issued two orders against Natural Resource Gas Ltd. ("NRG"): an order to execute two contracts, and when this order was not complied with an order that NRG pay an administrative penalty which ultimately totalled \$140,000. The Board gave file no. EB-2010-0374 to this review.

The Notice indicated that the Board intended to review the extent to which the procedural requirements of Part VII.1 of the Act had been followed with respect to the administrative penalty order, and sought submissions from the parties in this regard. The Notice indicated that the Board would not be reviewing its underlying jurisdiction to make the order that NRG execute the two contracts.

The Board has determined that it would be appropriate to also consider the extent to which procedural fairness requirements were met with respect to the order to execute

the contracts. Please note that the Board will not entertain any submissions with respect to its underlying jurisdiction to order NRG to execute the contracts; the review relates to process issues only. The Board will also extend the deadline for the filing of submissions.

The Board has added a question (which is highlighted in bold below) to the initial question posed in the Notice:

1. Did the Board follow the procedural requirements of Part VII.1 of the Act in ordering NRG to pay an administrative penalty? If the answer to this question is “no”, what steps, if any, should the Board take to correct this error.
2. Did the Board meet the requirements of procedural fairness in ordering NRG to execute the contracts? If the answer to this questions is “no”, what steps, if any, should the Board take to correct this error?

THE BOARD THEREFORE ORDERS THAT:

1. Parties to the original proceeding and Board staff wishing to make submissions on the questions set out above shall file written argument with the Board by **December 24, 2010**. If necessary, the Board may hold an oral hearing to hear argument from the parties.

All filings to the Board must quote the file number, EB-2010-0374, 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 the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 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.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, December 16, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**Ontario Energy Board
EB-2010-0374**

APPLICANT & LIST OF INTERVENORS

December 16, 2010

APPLICANT

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Ontario Energy Board

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APPLICANT & LIST OF INTERVENORS

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December 16, 2010

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APPLICANT & LIST OF INTERVENORS

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December 16, 2010

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