

AIRD & BERLIS LLP

Barristers and Solicitors

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January 27, 2011

BY COURIER AND EMAIL

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

Dear Ms. Walli:

Re: Hearing on Board's own Motion to Review Orders Made June 29, 2007
Natural Resource Gas Limited
Board File No. EB-2010-0374

Further to my letter dated January 26th, 2011, please find attached the Order of the Divisional Court referenced in the first paragraph of that letter.

Yours truly,

AIRD & BERLIS LLP



Scott A. Stoll

SS/hm
Encl.

cc: All Intervenors

7763902.1

CITATION: Natural Resource Gas Limited v. Ontario Energy Board, 2011 ONSC 499
DIVISIONAL COURT FILE NO.: 309/09
DATE: 20110120

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

A.C.J.S.C. CUNNINGHAM, JENNINGS AND WILTON-SIEGEL JJ.

BETWEEN:

NATURAL RESOURCE GAS LIMITED

Appellant

– and –

ONTARIO ENERGY BOARD, THE
 CORPORATION OF THE TOWN OF
 AYLMER and INTEGRATED GRAIN
 PROCESSORS' CO-OPERATIVE INC.

Respondents

Lawrence E. Thacker, for the Appellant

Michael Millar, for the Respondent, Ontario
 Energy Board

M. Philip Tunley, for the Intervenor, The
 Corporation of the Town of Aylmer

Scott Stoll, for the Intervenor, Integrated
 Grain Processors Cooperative Inc.

HEARD at Toronto: January 20, 2011

WILTON-SIEGEL J.

(ORALLY)

[1] The applicant seeks an adjournment of this judicial review application pending receipt of a decision of the Ontario Energy Board ("OEB") of its reconsideration of an earlier decision regarding the applicant's failure to sign an assignment document required by Integrated Grain Processors' Co-operative Inc. ("IGPC").

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[2] The Ontario Energy Board decision in the present review application is based on two general issues: (i) the financial status of the applicant and (ii) service issues relating to the applicant, of which the IGPC assignment issue is a major element.


[3] In these circumstances, we consider an adjournment to be appropriate. The outcome of the OEB reconsideration could have a significant impact on this judicial review application. In addition, if the OEB reconsideration is in favour of the applicant, it could have an impact on the OEB's own view of the decision that is the subject of this review application.

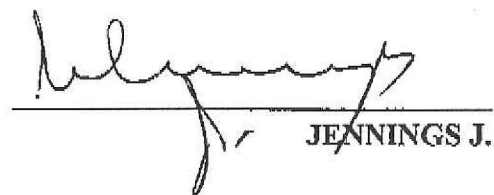
A.C.J.S.C. CUNNINGHAM

COSTS

[4] This appeal is adjourned to a date to be fixed by the Registrar. Costs to the Town of Aylmer and IGPC fixed at \$600.00 each.


WILTON-SIEGEL J.


A.C.J.S.C. CUNNINGHAM


JENNINGS J.

Date of Reasons for Judgment: January 20, 2011

Date of Release: **JAN 27 2011**

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Respondents

ORAL REASONS FOR JUDGMENT

WILTON-SIEGEL J.

Date of Reasons for Judgment: January 20, 2011

Date of Release:

JAN 27 2011