



**EB-2011-0040**  
**EB-2011-0041**  
**EB-2011-0042**

**IN THE MATTER OF** the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B, and in particular, Section 90 thereof;

**AND IN THE MATTER OF** an Application by Union Gas Limited for an Order granting leave to construct a natural gas pipeline and ancillary facilities in the Township of Ear Falls and the Municipality of Red Lake, both in the District of Kenora;

**AND IN THE MATTER OF** the Municipal Franchises Act, R.S.O. 1990, c.M.55, as amended; and in particular Sections 8 and 9 thereof;

**AND IN THE MATTER OF** an Application by Union Gas Limited for an Order approving the terms and conditions upon which the Corporation of the Municipality of Red Lake is, by Bylaw, to grant to Union Gas Limited the right to construct and operate works; to supply gas to the inhabitants of the said municipality; and the period for which such rights are to be granted;

**AND IN THE MATTER OF** an Application by Union Gas Limited for an Order directing and declaring that the assent of the municipal electors of the Municipality of Red Lake to the by-law is not necessary;

**AND IN THE MATTER OF** an Application by Union Gas Limited for a Certificate of Public Convenience and Necessity to construct works to supply gas to the inhabitants of the Municipality of Red Lake.

**PROCEDURAL ORDER NO. 1**

Union Gas Limited (the "Applicant" or "Union") filed applications with the Ontario Energy Board (the "Board") on February 8, 2011 relating to proposed natural gas facilities and services in the Red Lake area. The applications were filed together and consist of requests for Leave to Construct a natural gas pipeline, a Municipal Franchise Agreement for the Municipality of Red Lake ("Red Lake") and a Certificate of Public Convenience and Necessity ("CPCN") for Red Lake. The Board has assigned the Leave to Construct application file number EB-2011-0040; the franchise application file number EB-2011-0041; and the CPCN application file number EB-2011-0042.

The Board issued a Notice of Applications and Hearing ("Notice") on March 8, 2011. Union served and published the Notice as directed by the Board. The Board indicated its intention to proceed with this matter by way of a written hearing unless a party satisfies the Board that there is a good reason for holding an oral hearing.

Goldcorp Inc. has registered as an intervenor in the proceeding in support of the applications. Enbridge Gas Distribution Inc. has registered as an observer in the proceeding. An Intervener List is attached as Appendix "A" to this Procedural Order. No party requested an oral hearing.

On March 23, 2011 the Board received a letter of support for the proposed project by Goldcorp. On March 24, 2011, Goldcorp filed with the Board 10 letters of support for the proposed project that were forwarded to Goldcorp by the Municipality of Red Lake. The support letters include: The Corporation of the Municipality of Red Lake, Red Lake Margaret Cochenour Memorial Hospital, Ontario Provincial Police Red Lake Detachment, Red Lake Indian Friendship Centre, Red Lake Airport, Sunset Lodge on Red Lake, Chukuni Community Development Corporation, North American Lumber, Red Lake Branch, Two Feathers Forest Products, LP and Red Lake District High School. All of the letters form part of the public record. The Board will consider these letters in making its decision on Union's applications.

At this time the Board considers it necessary to make provision for the following procedural matters. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

**THE BOARD THEREFORE ORDERS THAT:**

1. Intervenor and Board staff who wish information and material from the Applicant that is in addition to the evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant on or before **Monday, April 11, 2011**.
2. The Applicant shall file with the Board complete responses to the interrogatories no later than **Monday, April 18, 2011**.
3. Intervenor and Board staff who wish to make written submissions on the application shall file the submissions with the Board and deliver them to by **Friday, April 29, 2011**.
4. The Applicant may reply to any submissions received by filing reply submissions with the Board and delivered to the intervenors by **Wednesday, May 4, 2011**.

All filings to the Board must quote file numbers EB-2011-0040, EB-2011-0041, and EB-2011-0042 be made through the Board's web portal at [www.errr.ontarioenergyboard.ca](http://www.errr.ontarioenergyboard.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.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca). If the web portal is not available you may email your document to the [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca). 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 seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

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.

**ADDRESSES**

**Ontario Energy Board**

P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Attn: Kirsten Walli  
Board Secretary

Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656  
Email: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)

**Union Gas Limited**

50 Keil Drive North  
Chatham ON N7M 5M1

**Attn:** Mark Murray  
Manager, Regulatory Projects  
& Lands Administration

Tel: 519-436-4601  
Email: [mmurray@uniongas.com](mailto:mmurray@uniongas.com)

and

Dan Jones  
Assistant General Counsel

Tel: 519-436-5396  
Email: [dxjones1@uniongas.com](mailto:dxjones1@uniongas.com)

**Municipality of Red Lake**

P.O. Box 1000  
Balmertown ON POY 1CO

Attention: Shelly Kocis, Clerk

Telephone: (807) 735-2096  
Fax: 807-735-2286  
Email: [shelly@red-lake.com](mailto:shelly@red-lake.com)

**Union Gas Limited - District Office**

1211 Amber Drive  
Thunder Bay ON P7B 6M4

Telephone: 807-684-8800  
Fax: 807-684-8805

**Township of Ear Falls**

P.O. Box 309  
1 Shelski Lane,  
Ear Falls ON POY ITO

Attention: Kimberly Balance, Clerk

Telephone: (807) 222-3624  
Fax: 807-222-2384  
Email: [kballance@ear-falls.com](mailto:kballance@ear-falls.com)

**DATED** at Toronto, April 1, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

## **APPENDIX A**

**EB-2011-0040**

**EB-2011-0041**

**EB-2011-0042**

**List of Participants**

**APPLICANT & LIST OF INTERVENORS**

April 1, 2011

**APPLICANT**

**Rep. and Address for Service**

**Union Gas Limited**

**Mark Murray**

Manager, Regulatory Projects and Lands Acquisition  
Union Gas Limited  
50 Keil Drive North  
Chatham, ON N7M 5M1

Tel: 519-436-4601

Fax: 519-436-4641

[UNIONregulatoryproceedings@uniongas.com](mailto:UNIONregulatoryproceedings@uniongas.com)

**APPLICANT COUNSEL**

**Dan Jones**

Assistant General Counsel, Legal Department  
Union Gas Limited

50 Keil Drive North  
Chatham ON N7M 5M1

Tel: 519-436-5396

Fax: 519-436-5218

[dxjones1@uniongas.com](mailto:dxjones1@uniongas.com)

**INTERVENORS**

**Rep. and Address for Service**

**Goldcorp Inc. - Red Lake  
Mine**

**Patrick Boileau**

Windeau Investments Inc.  
771 Hilldale Road  
Thunder Bay ON P3G 2J1

Tel: 807-627-7420

Fax: Not Provided

[pboileau@windeau.com](mailto:pboileau@windeau.com)

**Union Gas Limited  
EB-2011-0040/41/42**

**APPLICANT & LIST OF INTERVENORS**

**April 1, 2011**

**Goldcorp Inc. - Red Lake  
Mine**

**Curtis Pedwell**

Goldcorp Inc. - Red Lake Mine  
Bag 2000  
Balmertown ON P0V 1C0  
Tel: 807-735-2077 Ext: 5118  
[curtis.pedwell@goldcorp.com](mailto:curtis.pedwell@goldcorp.com)

**Tom Brett**

Fogler, Rubinoff LLP  
95 Wellington St. W.  
Suite 1200  
Toronto-Dominion Centre  
Toronto ON M5J 2Z9  
Tel: 416-941-8861  
Fax: 416-941-8852  
[tbrett@foglers.com](mailto:tbrett@foglers.com)