

April 18, 2011

**BY EMAIL**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
27th Floor - 2300 Yonge Street  
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

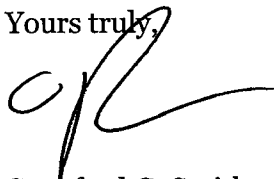
**Re: EB-2010-0039 - Request by Union Gas Limited for Declaratory Relief**

We are counsel to Union Gas Limited ("Union") and are in receipt of counsel for CME's letter dated April 15, 2011 seeking an extension of the deadline for the filing of submissions. We are also in receipt of a subsequent email communication from counsel advising that CME's submission may not be received until the end of the day today.

Union neither consents to, nor opposes CME's request. Union is, however, concerned with the impact of the request on Union's response. In the circumstances, should the Board grant CME's request for an extension we ask that the date for delivery of Union's reply be extended as well.

Union also has a concern with the timeliness of CME's request. As indicated in counsel's letter, the request was raised with Union only moments before the letter was sent and after Board Staff and CCC had already filed their respective submissions. While this may not cause any substantive prejudice in this case, in others it would. In Union's view, parties who seek to vary an existing schedule should move expeditiously, and with an adequate explanation.

Yours truly,



Crawford G. Smith

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