



**EB-2011-0013**  
**EB-2011-0014**  
**EB-2011-0015**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B; and in particular sections 36.1(1), 38(1), 40(1), 90(1), thereof;

**AND IN THE MATTER OF** an application by Union Gas Limited for an Order designating the area known as the Jacob Pool, in the Municipality of Chatham-Kent, as a gas storage area;

**AND IN THE MATTER OF** an application by Union Gas Limited for authority to inject gas into, store gas in and remove gas from the areas designated as the Jacob Pool and to enter into and upon the lands in the said areas and use the said lands for such purposes;

**AND IN THE MATTER OF** an application by Union Gas Limited to the Ministry of Natural Resources for a license to drill wells in the said areas;

**AND IN THE MATTER OF** an application by Union Gas Limited for an Order granting leave to construct natural gas pipelines in the Municipality of Chatham-Kent.

## **Procedural Order No. 2**

Union Gas Limited ("Union" or the "Applicant") filed applications dated January 17, 2011, with the Ontario Energy Board (the "Board") under sections 36.1(1), 38(1), 40(1) and 90(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act"). If the Board grants these applications Union will develop and operate a natural gas storage area on lands located in the geographic area of the Municipality of Chatham-Kent referred to as the Jacob Pool. The Jacob Pool is a proposed natural gas storage pool with approximately 2.45 billion cubic feet of storage capacity.

The Notice of Application was issued on March 7, 2011. The Applicant served and published the Notice of Application as directed by the Board.

The registered intervenors in the proceeding are: Ministry of Natural Resources ("MNR"), Enbridge Gas Distribution Inc. ("Enbridge"), the Kent Federation of Agriculture ("KFA") and Invenenergy Canada. The Intervenor List is attached as Appendix "A" to this Procedural Order. On March 29, 2011 the Board issued Procedural Order No. 1 which set the schedule for a written proceeding including a provision for intervenors to file evidence. The Board also ordered that "the scope of this proceeding will be limited to the Issues List" attached to Procedural Order No. 1. Item 1.3 of the Issues List stated the following Issue: "Does the applicant have the necessary leases and agreements with the directly affected landowners."

On April 11, 2011 the KFA filed intervenor evidence. KFA submitted evidence that it stated falls beneath the umbrella of Issue 1.3 of the Issues List. More specifically, KFA submitted that some leases submitted by the Applicant as evidence contain clauses which indicate minimum annual payments equal to LCSA agreement payments, others appear to be industry "standard" leases, unamended. "KFA is concerned that compensation paid by Ontario storage operators is inadequate and unfair in today's marketplace. KFA noted that "its submission is to put forth evidence to support fairer compensation levels."

On April 14, 2011 Union filed a Notice of Motion regarding the KFA evidence (the "Motion"). The Motion asked for an order of the Board striking the KFA evidence on the grounds that the KFA evidence "is not relevant to the issues in this proceeding".

The Board has determined that it will proceed with a written hearing of Union's Motion and will allow submissions from the parties with respect to the issue of whether the KFA evidence should be struck from the record for this proceeding or, if it should be accepted and considered by the Board as part of this proceeding.

As a result of the developments noted above, the Board finds it necessary to establish a new procedural schedule as part of this procedural order. Parties are to take note that the schedule set out herein replaces the schedule set out in Procedural Order No. 1.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. Intervenors and Board Staff may file written submissions on the Motion filed by Union on April 14, 2011. The submissions shall be filed with the Board and copied to Union and all intervenors on or before **Tuesday, April 26, 2011**.
2. Union Gas Limited shall file a reply submission with the Board and copy to all intervenors, on or before **Friday April 29, 2011**.
3. Written interrogatories on the Applicant's pre-filed evidence and on the KFA evidence, if the Board determines that the KFA evidence remain on the record of the EB-2011-0013/0014/0015 proceeding, shall be filed with the Board and copies delivered to the Applicant and all intervenors on or before **Monday, May 9, 2011**. All interrogatories must reference the specific evidence on which the interrogatory is based and indicate the issue number according to the Issues List provided in the Appendix B to Procedural Order No. 1.
4. Responses to the interrogatories shall be filed with the Board and delivered to the Applicant and all intervenors on or before **Wednesday, May 18, 2011**.
5. A Technical Conference will be convened on **Friday, May 27, 2011** at 9:30 a.m. The Technical Conference will be held at 2300 Yonge Street, Toronto in the Board's West Hearing Room on the 25th Floor.
6. Intervenors and Board staff shall file their submissions, if any, and deliver copies to Union and all other parties on or before **Friday, June 3, 2011**.
7. Union shall file its reply argument, if any, and deliver copies to Board staff and intervenors on or before **Friday, June 10, 2011**.

All filings to the Board must quote file numbers EB-2011-0013; EB-2011-0014; and EB-2011-0015, 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.

**DATED** at Toronto April 19, 2011  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Appendix A  
to  
Procedural Order No. 2

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EB-2011-0014  
EB-2011-0015

**List of Intervenors**

**Union Gas Limited**

**EB-2011-0013**

**APPLICANT & LIST OF INTERVENORS**

**April 19, 2011**

**APPLICANT**

**Rep. and Address for Service**

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**Union Gas Limited**

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**APPLICANT & LIST OF INTERVENORS**

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**April 19, 2011**

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**Union Gas Limited**

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**APPLICANT & LIST OF INTERVENORS**

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April 19, 2011

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