

VIA E-MAIL

May 21, 2011

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

Re: EB-2011-0038 UNION GAS APPLICATION 2010 ESM, DEFERAL DISPOSITION

Through discussions with the Applicant and Board Staff regarding the above proceeding, the Federation of Rental-housing Providers of Ontario (FRPO) and other intervenors have become aware of the proposed process and timeframe for the proceeding. We are concerned that the schedule as currently proposed may not provide sufficient time for discovery on complex matters in this proceeding. The primary matter is the review of the accounting and cost allocation between Union utility and non-utility storage businesses.

To try to accommodate parties scheduling and allow for a settlement conference prior to the end of June, FRPO believes that the retention of an intervenor expert would assist in the discovery and understanding of the report prepared by Union's hired consultant. To be clear, we do not believe that there would be need in this proceeding to lead evidence but the intervenor expert would increase the effectiveness of the process of discovery. Communication has been initiated with other intervenors to create a coalition of ratepayers who could benefit from such retention. FRPO has already contacted an expert known to the Board who would be able to be engaged promptly upon assurance of acceptance. With the knowledge that the Procedural Order is pending, FRPO is requesting the Board's consideration of this action and would respectfully request an indication of the Board's views as to the public interest benefits of this approach.

It is our understanding from the Applicant, received verbally yesterday, that the proposed schedule would provide only two business days between the issuance of interrogatory responses and the technical conference. We respectfully submit that the effectiveness of the process would be enhanced with the addition of one or two days between interrogatory responses and the technical conference. We believe that would still allow for a settlement conference in June.

Thank you for your consideration of our concerns and request.

Respectfully Submitted on Behalf of FRPO,



Dwayne R. Quinn
Principal
DR QUINN & ASSOCIATES LTD.

c. H. Desai (Board Staff), C. Ripley (Union Gas), J. Gruenbauer (Kitchener), V. Brescia(FRPO)