



# JANES FREEDMAN KYLE

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May 18, 2011

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Mark Murray  
Union Gas Ltd.  
P.O. Box 2001, 50 Keil Dr. North  
Chatham, Ontario N7M 5M1

File No. 1018-009

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

Dear Mr. Murray and Ms. Walli:

**Re: Union Gas Red Lake Pipeline Project (the "Red Lake Project" or the "Project")**  
**File Numbers: EB-2011-0040, EB-2011-0041 and EB-2011-0042**

We are writing to provide a preliminary response to Union Gas' recent correspondence to the Ontario Energy Board ("OEB") dated May 12, 2011 regarding some of the concerns we raised in our letter dated May 5, 2011. We anticipate providing a more detailed response by May 31, 2011.

We have reviewed the revised consultation evidence Union Gas provided to the OEB on May 11, 2011. We note again that Union Gas did not initially contact the Grand Council of Treaty 3 ("Grand Council") until December 13, 2010, over two weeks after the Public Meeting was held on November 25, 2010. Since that time Union Gas and the Grand Council held a meeting to

discuss the Project, on April 29, 2011. We also note that the Grand Council was not sent a copy of the Environmental Assessment for the Red Lake Project until May 9, 2011.

Having said all of the above, we would like to emphasize that the Grand Council's main concern with respect to consultation is about the adequacy of Crown consultation regarding the Red Lake Project. This is distinct from any consultation conducted by the proponent, which is what Mr. Murray describes in his letter of May 12, 2011.

We are conducting further inquiries with the Grand Council to see what happened to the registered letter referenced in Union Gas correspondence to the board.

Yours truly,

Janes Freedman Kyle Law Corporation

Per:



Robert J.M. Janes  
RJMJ/et

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