



McCarthy Tétrault LLP  
Box 48, Suite 5300  
Toronto Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**Kristyn Annis**  
Direct Line: 416-601-7624  
Direct Fax: 416-868-0673  
Email: kannis@mccarthy.ca

May 19, 2011

Ontario Energy Board  
2300 Yonge Street  
P.O. Box 2319  
Suite 2700  
Toronto ON M4P 1E4

**Attention: Ms Kirsten Walli**  
**Board Secretary**

Dear Madame:

**Re: EB-2010-0381**  
**Union Gas Limited (the "Applicant") – London Reinforcement Project**

We are in receipt of a letter from counsel for the County of Middlesex (the "County") dated May 18, 2011 purporting to file evidence in this proceeding.

Procedural Order No. 2 provided that intervenor evidence was to be filed by April 29, 2011. It also provided that the Applicant would have one week (to May 6, 2011) to file interrogatories and would receive answers to those interrogatories by May 20, 2011. If this schedule had been followed, it would have provided the Applicant, the Board and all parties the opportunity to address this evidence in the hearing that will commence on May 24, 2011.

The County provided no notice that it would be seeking an extension of time to file evidence and no explanation for failing to meet the Board's schedule. Given the requirement to commence construction in June 2011 in order to provide reliable gas service to London for the critical winter 2011-2012 winter season, there is no time to delay the hearing.

For all these reasons, Union respectfully requests that this evidence be struck.

All of which is respectfully submitted.

Kind Regards,

McCarthy Tétrault LLP

*Signed in the original*

Per: Kristyn Annis

c: Michael Millar, *Legal Counsel, Ontario Energy Board*  
Mark Murray, *Manager, Regulatory Projects and Land Acquisition, Union Gas*