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BY E-MAIL

May 20, 2011

John W. T. Judson
Lerners LPP
Barristers & Solicitors
85 Dufferin Avenue
P. O. Box 235
London ON N6A 4G4

Dear Mr. Judson:

**Re: County of Middlesex – Intervenor Evidence
Union Gas Limited – London Reinforcement Project
Board File No. EB-2010-0381**

The Board is in receipt of a letter dated May 18, 2011, from counsel for the intervenor the County of Middlesex ("Middlesex") seeking leave to file a report by Mr. Anthony Fediw (the "Report") with respect to the above noted proceeding. Middlesex also proposes to call Mr. Fediw as a witness in the oral hearing commencing on May 24, 2011.

On May 19, counsel for the applicant ("Union") filed a letter asking the Board to strike this evidence. Union noted that Procedural Order No. 2 required any intervenor evidence to be filed by April 29, 2011. Middlesex missed this deadline by more than two weeks, and did not formally seek an extension or even acknowledge that the filing was late. Union observed that it would have no opportunity to file interrogatories as had been contemplated in Procedural Order No. 2. Union further submitted that since construction is scheduled to commence in June (assuming the application is approved), there is no time to delay the hearing.

The Board will allow Middlesex to file the Report. However, the Board notes that Middlesex has filed significantly past the deadline, and without any explanation whatsoever. The Board will not permit this late filing to prejudice Union's application,

and it will accommodate Union's efforts at discovery through the oral hearing to the extent reasonably possible. As noted by Union, however, a delay to the hearing dates would not be helpful to Union, and the Board will commence the hearing on May 24 as scheduled.

Yours truly,

Original Signed By

Kirsten Walli
Board Secretary