



EB-2011-0087

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an Application by Marie Snopko, Wayne McMurphy, Lyle Knight, and Eldon Knight under section 19 of the *Ontario Energy Board Act, 1998*, S.O. 1998, for an Order of the Board determining that the contracts, filed with the Application, between the Applicants and Union Gas Limited / Ram Petroleums Limited have been terminated.

AND IN THE MATTER OF an Application by Marie Snopko, Wayne McMurphy, Lyle Knight, and Eldon Knight under section 38(2) of the *Ontario Energy Board Act, 1998*, S.O. 1998 for an Order of the Board determining the quantum of compensation the Applications are entitled to have received from Union Gas Limited and Ram Petroleums Limited.

NOTICE OF APPLICATION AND PROCEDURAL ORDER NO. 1

On March 16, 2011 Marie Snopko, Wayne McMurphy, Lyle Knight and Eldon Knight (the "Applicants") filed an application with the Ontario Energy Board under section 19 and section 38(2) of the *Ontario Energy Board Act, 1998* (the "Act"). The Applicants identified Union Gas Limited ("Union") and Ram Petroleums Ltd. ("Ram") as respondents in the Application. The Applicants have requested a decision on two issues (a) Validity of Gas Storage Agreements (GSA) between Union and the Applicants pursuant to section 19 of the Act; and (b) a determination of the compensation the Applicants are entitled to receive from Union and Ram. The Board has assigned Board File No. EB-2011-0087.

The Applicants are landowners in the Edys Mills designated storage area operated by Union. On April 25, 2006 the Applicants terminated the Gas Storage Agreement with Union. The Applicants brought the same claims as in this Application to the Ontario Superior Court of Justice ("Superior Court"). Union brought a motion to have the claim dismissed. On January 6, 2008 the Superior Court granted Union's motion, concluding that the Board has exclusive jurisdiction to hear this matter. The Applicants appealed the Superior Court decision. The appeal was heard on January 22, 2010. On April 7, 2010 the Court of Appeal dismissed the Applicants' appeal and concluded that the OEB has the exclusive jurisdiction to hear the case.

On April 18, 2011, Union filed a letter with the Board and copied the Applicant's Counsel. In the letter, Union stated that the Board should decline the Applicants' request to bifurcate the Application at this time. Union also stated that it would bring motions challenging the Applicants' standing to assert some or all of their claims on the basis of the compensation agreements and the relevant limitations law. In Union's view, these motions should be heard before any subsequent procedural issues are determined.

The Board has decided to provide procedural direction for Union to file its motion(s) and for the parties to respond. Union will have the opportunity to reply to all submissions received.

The Board intends to hear these motions by way of a written hearing.

A copy of the Application and Union's Letter dated April 18, 2011 are attached as Appendix A to this Notice.

How to Participate

The following parties are deemed parties in the proceeding: Marie Snopko, Wayne McMurphy, Lyle Knight and Eldon Knight and Union Gas Limited and Ram Petroleums Limited. Although the Board understands that Ram has been provided with a copy of the Application, the Board does not have contact information for Ram. The Board directs the Applicants to provide a copy of this Notice and Procedural Order to Ram, and to provide the Board with Ram's contact information to ensure Ram receives all future communications from the Board.

At this time the Board considers it necessary to make provision for the following procedural matters. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. Union shall file its motion(s), as discussed in its April 18, 2011 Letter, no later than **June 24, 2011**.
2. Parties including Board staff who wish to file responding material on the Motion(s) filed by Union shall file these materials with the Board and deliver them to Union and other parties by **July 8, 2011**.
3. Union may respond to any of the materials received by filing a reply with the Board and serving a copy on all parties by **July 22, 2011**.

All filings to the Board must quote file number **EB-2011-0087** and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.ontarioenergyboard.ca. Filings must clearly state the sender's name, postal address and telephone number and, if available, a fax number and e-mail address.

Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found on the "e-Filing Services" webpage of the Board's website at www.ontarioenergyboard.ca. If the web portal is not available, you may e-mail your document to 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 cannot provide an electronic version of their filing are required to file 7 paper copies.

ADDRESSES

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DATED at Toronto, May 26, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

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The Respondents:

Ram Petroleums Limited

Appendix A to
Notice of Application and Procedural Order No. 1
Application and Union Response Letter
Board File No. EB-2011-0087
DATED: May 26, 2011