



EB-2011-0040
EB-2011-0041
EB-2011-0042

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B, and in particular, Section 90 thereof;

AND IN THE MATTER OF an Application by Union Gas Limited for an Order granting leave to construct a natural gas pipeline and ancillary facilities in the Township of Ear Falls and the Municipality of Red Lake, both in the District of Kenora;

AND IN THE MATTER OF the Municipal Franchises Act, R.S.O. 1990, c.M.55, as amended; and in particular Sections 8 and 9 thereof;

AND IN THE MATTER OF an Application by Union Gas Limited for an Order approving the terms and conditions upon which the Corporation of the Municipality of Red Lake is, by Bylaw, to grant to Union Gas Limited the right to construct and operate works; to supply gas to the inhabitants of the said municipality; and the period for which such rights are to be granted;

AND IN THE MATTER OF an Application by Union Gas Limited for an Order directing and declaring that the assent of the municipal electors of the Municipality of Red Lake to the by-law is not necessary;

AND IN THE MATTER OF an Application by Union Gas Limited for a Certificate of Public Convenience and Necessity to construct works to supply gas to the inhabitants of the Municipality of Red Lake.

PROCEDURAL ORDER NO. 3

Union Gas Limited (“Union”) filed applications with the Ontario Energy Board (the “Board”) on February 8, 2011 relating to proposed natural gas facilities and services in the Red Lake area. The applications were filed together and consist of requests for Leave to Construct a natural gas pipeline, a Municipal Franchise Agreement for the Municipality of Red Lake (“Red Lake”) and a Certificate of Public Convenience and Necessity (“CPCN”) for Red Lake. The Board has assigned to the Leave to Construct application file number EB-2011-0040; the franchise application file number EB-2011-0041; and the CPCN application file number EB-2011-0042.

The Board issued a Notice of Applications and Hearing (“Notice”) on March 8, 2011. Union served and published the Notice as directed by the Board. On April 1, 2011 the Board issued its Procedural Order No. 1 which outlined its process for written interrogatories and submissions. In response to concerns raised about the Crown’s duty to consult in this proceeding, the Board on June 7, 2011 issued its Procedural Order No. 2 in which it posed three questions relating to duty to consult issues and scheduled written submissions and an oral hearing to address the questions.

The Board on June 9, 2011 received a request from Goldcorp Inc. requesting a one-month adjournment for addressing the three questions. On June 10, 2011 Goldcorp withdrew its request.

On June 9, 2011 the Board received a request from the Lac Seul First Nation (“LSFN”) requesting late intervention status. LSFN states that it was not directly advised of the hearing; however, Union confirmed by letter dated June 10, 2011 that it directly served the Notice on LSFN on March 29, 2011. Despite this, the Board has determined that it will accept LSFN as a late intervenor to the proceeding, at least for the purposes of making submissions on the three questions presented by the Board in Procedural Order No. 2. Given the importance of this issue, the Board is not prepared to dismiss LSFN’s concerns on account of its late intervention request. The Board does request, however, that LSFN file a letter with the Board describing its relationship with the Grand Council of Treaty 3, which is already participating in this proceeding. An updated Intervention List is attached as Appendix “A”.

In consideration of the late intervention, the Board will provide a 2-day extension for the written submissions but will retain the originally scheduled date for the oral hearing in Procedural Order No. 2. The Board will therefore make provision for the following

procedural matters. Please be aware that this procedural order may be amended, and that further procedural orders may be issued from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. Parties (including Board staff) who wish to make submissions on the questions listed above shall file pre-file written submissions with the Board and deliver them to all the other parties by no later than **12 noon June 17, 2011**.
2. The Board will hear oral argument in the Board's hearing room commencing on **June 20, 2011** at 2300 Yonge Street, 25th Floor, Toronto at 9:30 a.m.

All filings to the Board must quote file numbers EB-2011-0040, EB-2011-0041, and EB-2011-0042 be made through the Board's web portal at www.errr.ontarioenergyboard.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address.

Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the 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 do not have computer access are required to file seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

DATED at Toronto, June 10, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"

To Procedural Order No. 3

EB-2011-0040

EB-2011-0041

EB-2011-0042

Union Gas Limited

June 10, 2011

Union Gas Limited
EB-2011-0040/EB-2011-0041/EB-2011-0042
APPLICANT & LIST OF INTERVENORS

June 10, 2011

APPLICANT

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Union Gas Limited
EB-2011-0040/EB-2011-0041/EB-2011-0042
APPLICANT & LIST OF INTERVENORS

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June 10, 2011

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Union Gas Limited
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APPLICANT & LIST OF INTERVENORS

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June 10, 2011

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