



EB-2011-0256

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

AND IN THE MATTER OF a Motion by the Corporation
of the Municipality of Bluewater pursuant to the Ontario
Energy Board's *Rules of Practice and Procedure* for a
review by the Board of its Cost Award Decision in
proceedings EB-2011-0076 / EB-2011-0077 / EB-2011-
0078 dated June 14, 2011.

BEFORE: Marika Hare
Presiding Member

Paul Sommerville
Panel Member

**NOTICE OF MOTION FOR REVIEW
AND PROCEDURAL ORDER NO. 1**

INTRODUCTION

The Corporation of the Municipality of Bluewater ("Bluewater") filed a Motion for Review (the "Motion") with the Ontario Energy Board (the "Board") on July 4, 2011 regarding the Cost Award Eligibility Decision issued by the Board on June 14, 2011 in proceedings EB-2011-0076 / EB-2011-0077 / EB-2011-0078. The Motion was filed pursuant to Rules 1.03, 7.01, 7.02, 8.01, 8.02, 42.01, 42.03, 43.01, and 44.01 of the Board's *Rules of Practice and Procedure*. The Motion has been assigned Board File No. EB-2011-0256

In the Motion, Bluewater requested that the Board review and vary the EB-2011-0076/0077/0078 Cost Award Eligibility Decision to grant Bluewater cost award eligibility in that proceeding.

Bluewater requests that the Board determine that:

- a) Bluewater is eligible for cost awards in the EB-2011-0076/0077/0078 proceedings;
- b) Bluewater represents a public interest; and
- c) Bluewater is a person with an interest in land that is affected by the EB-2011-0076/0077/0078 proceedings.

BACKGROUND

Tribute Resources Inc. and Bayfield Resources Inc., on behalf of Huron Bayfield Limited Partnership and Bayfield Pipeline Corp. ("Tribute") have filed applications with the Board, dated April 20, 2011. The applications were filed under sections 36.1(1), 38(1), 38(3), 40(1) and 90(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act").

The applications, if granted, will allow Tribute to develop natural gas storage pools located in the geographic area of the County of Huron and in the County of Middlesex Ontario (the "Project"). The Project includes the designation and development of two proposed gas storage pools in Huron County, the Bayfield Pool and Stanley 4-7-XI ("Stanley") Pool and the construction and operation of a transmission pipeline to connect these proposed storage pools with Union Gas Limited's pipeline system.

The Board issued a letter on June 14, 2011 which denied Bluewater eligibility for cost awards in the proceeding.

The Board stated, in the June 14, 2011 letter, that although Bluewater represents its constituents, the Board does not agree that this constitutes a public interest which should be funded by ratepayers. To the extent that Bluewater has a direct interest in lands affected by the application, the use of municipal land is subject to various requirements which are largely within the control of the Municipality directly. The Board concluded that it would not be appropriate for ratepayers to fund Bluewater's participation in the proceeding. The Board noted that Bluewater has access to funds through the collection of taxes, and the Board concluded that this constituent-based funding is the appropriate source of funds for participation in this proceeding.

Bluewater has made this Motion on the basis that it was granted cost eligibility in the EB-2009-0338/0339/0340 proceedings. The EB-2009-0338/0339/0340 applications were withdrawn by Tribute Resources Inc. and the EB-2011-0076/0077/0078 applications currently before the Board are fundamentally the same as those withdrawn previously.

The Board considers it necessary to make provisions for the following matters related to this proceeding. Since the Board does not have evidence on the record from other parties on this matter, the Board will allow for written submissions from Tribute Resources Inc., the intervenors in the EB-2011-0076/0077/0078 proceedings and Board staff. The Board will proceed by way of a written hearing. The Board may issue further procedural orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. Tribute Resources Inc., Intervenors, and Board staff wishing to file written submissions shall file such submissions with the Board and serve to all intervenors in proceedings EB-2011-0076/0077/0078, on or before **July 22, 2011**.
2. The Corporation of the Municipality of Bluewater shall file its reply argument, if any, and deliver copies to Board staff and intervenors on or before **July 29, 2011**.

All filings to the Board must quote file number **EB-2011-0256**, 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. Parties must 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 parties may email their document to the address below. 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 7 paper copies.

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.

ADDRESS

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

E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, July 11, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary