

union

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ONTARIO ENERGY BOARD

September 6, 2011

TO: ALL EB-2011-0038 INTERVENORS OF RECORD
Clerk of the Municipality of the City of Kitchener

Union Gas filed an application with the Ontario Energy Board on August 16, 2011 for an approval of the parties to, the period of, and the space for storage that is the subject of the T3 Carriage Service Contract between Union Gas Limited and The Corporation of the City of Kitchener.

Enclosed is a copy of the application, as well as a copy of the Notice of Application issued by the Ontario Energy Board on September 7, 2011 under Docket No. EB-2011-0294.

Yours truly,

[original signed by]

Chris Ripley
Manager, Regulatory Applications

Encl.



EB-2011-0294

NOTICE OF APPLICATION FOR APPROVAL OF A T3 CONTRACT BETWEEN UNION GAS LIMITED AND THE CORPORATION OF THE CITY OF KITCHENER

Union Gas Limited ("Union") filed an application with the Ontario Energy Board on August 16, 2011, under section 39(2) of the *Ontario Energy Board Act* for approval of the parties to, the period of, and the space for storage that is the subject of a T3 contract between Union Gas Limited and the Corporation of the City of Kitchener ("Kitchener") located in Kitchener, Ontario. The Board has assigned the application file number EB-2011-0294.

Union and Kitchener have entered into a five-year T3 contract at cost-based rates effective April 1, 2011. The agreement is for storage space and associated deliverability of 3,051,188 Gigajoules. The storage and deliverability parameters were determined using Board approved methodologies in EB-2007-0725.

Union has requested that the Application be disposed of without a hearing on the grounds that no person will be adversely impacted in a material way by the outcome of this proceeding. The Board has not made a decision whether to hold a hearing in relation to the merits of this Application.

How to see Union Gas Limited's Application

Copies of the application are available for inspection at the Board's office in Toronto and on its website, www.ontarioenergyboard.ca/OEB/Industry , and at the offices of Union Gas Limited, and may be on its website.

Union has requested that the Board hold in confidence certain customer-specific information in the T3 Contract that Union considers to be commercially sensitive. Union has filed a redacted non-confidential version of the T3 Contract from which the commercially sensitive information has been removed, and it is this version that is currently on the public record. Additional information regarding the Board's policy and practice concerning confidential filings may be found in the Board's Rules of Practice and Procedure and in its Practice Direction on Confidential Filings, which are available under "Regulatory Instruments" in the Rules, Codes, Guidelines and Forms" section of the Board's website at www.ontarioenergyboard.ca .

How to Participate

If you believe that you will be adversely affected in a material way by the outcome of this proceeding, you may file a written submission to that effect with the Board requesting that the Board hold a hearing to consider the merits of the Application. The submission should clearly indicate the nature of the material adverse effect that is being asserted. The submission must be filed with the Board and a copy sent to Union no later than **Friday, September 16, 2011**. If you object to Union's request for confidential treatment, your submission to the Board must include the following:

- the reason why you believe that the information that is the subject of the request for confidentiality is not confidential, in whole or in part, by reference to the grounds for confidentiality expressed by Union; and
- the reason why you require disclosure of the information that is the subject of the request for confidentiality and why access to the redacted non-confidential version of the T3 Contract is insufficient to enable you to present your case.

Responses to the submission(s) may be filed with the Board by Union no later than **Friday, September 23, 2011**. A copy of the response must also be sent to the person that provided the submission(s).

You must file two paper copies and an electronic copy of your submission with the Board. If you already have a user ID, please submit the electronic copy of your submission through the Board's web portal at www.err.ontarioenergyboard.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.ontarioenergyboard.ca and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines

also found on the "e-Filing Services" webpage. If the Board's web portal is not available, the electronic copy of your submission may be sent by e-mail. Those who do not have internet access are required to submit the electronic copy of their submission on a CD or diskette in PDF format.

How to Contact Us

In responding to this Notice please reference Board File Number EB-2011-0294. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

IMPORTANT

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board:

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

<https://www.err.ontarioenergyboard.ca/>

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

The Applicant:

Union Gas Limited
50 Keil Drive North
Chatham, Ontario
N7M 5M1
Attention: Chris Ripley
Manager, Regulatory Applications

E-mail: cripley@spectraenergy.com
Tel: 519-436-5476
Fax: 519-436-4641

Counsel of the Applicant:

Dan Jones
Assistant General Counsel
Union Gas Limited
50 Keil Drive North
Chatham, Ontario, N7M 5M1
Tel: 519-436-5396
Fax: 519-436-5218
E-mail: dxjones1@uniongas.com

DATED at Toronto, September 7, 2011

ONTARIO ENERGY BOARD

Original Signed By

John Pickernell
Assistant Board Secretary

August 16, 2011

Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, Ontario
M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Re: EB-2011-0294 - T3 Contract Between Union Gas Limited and The Corporation of the City of Kitchener

Dear Ms. Walli:

Enclosed is an application to the Board under Section 39(2) of the Ontario Energy Board Act for approval of the parties to, the period of, and the space for storage that is the subject of a T3 Contract between Union Gas Limited ("Union") and The Corporation of the City of Kitchener ("Kitchener") located in Kitchener, Ontario.

Union and Kitchener have entered into a five-year T3 Contract at cost-based rates effective April 1, 2011. The agreement is for storage space and associated deliverability of 3,051,188 GJ. The storage and deliverability parameters were determined using the Board-approved methodologies (EB-2007-0725).

Union requests that the commercial terms be held in confidence as per Rule 10 of the Ontario Energy Board "Rules of Practice and Procedure". The reason for this request is that the contract contains information that is commercially sensitive, and may harm both the customer's and Union's competitive position in the marketplace and their ability to fairly conduct business. The version of the long-term T3 Contract that has been attached in Appendix A removes any customer-specific details. The full contract has been provided to the Board in confidence under separate cover.

If you have any questions or concerns with this application, please do not hesitate to contact me at (519) 436-5476.

Yours truly,

[original signed by]

Chris Ripley
Manager, Regulatory Applications

cc: Mr. Jim Gruenbauer, City of Kitchener

IN THE MATTER OF the Ontario Energy Board Act,
Chapter 15 Statutes of Ontario, 1998, Section 39(2);

AND IN THE MATTER OF an Application by Union
Gas Limited to the Ontario Energy Board for approval of
the parties to, the period of, and the space for storage that is
the subject of the T3 Carriage Service Contract between
Union Gas Limited and The Corporation of the City of
Kitchener.

- APPLICATION -

1. Union Gas Limited ("Union") is a regulated public utility incorporated under the laws of the Province of Ontario with Head Office in the municipality of Chatham-Kent.
2. Union owns and operates underground gas storage reservoirs in the Province of Ontario.
3. The Corporation of the City of Kitchener ("Kitchener") is a company duly incorporated under the laws of the Province of Ontario.
4. Union requests that the Board approve, without a hearing, the parties to, the period of, and the space for storage that is the subject of a T3 Contract.
5. The T3 Contract, attached as Appendix A, provides for 3,051,188 GJ of firm storage space and deliverability to Kitchener from April 1, 2011 to March 31, 2016.
6. The storage space and associated deliverability were determined in accordance with the Board-approved Aggregate Excess methodology (EB-2007-0725).
7. The only parties affected by this application are Union and Kitchener. The availability of this service does not affect other parties.

Dated at Chatham this 16 day of August, 2011

UNION GAS LIMITED

[original signed by]

Mr. Chris Ripley
Manager, Regulatory Applications

Comments regarding this Application should be directed to:

Mr. Dan Jones
Assistant General Counsel
Union Gas Limited

P.O. Box 2001
50 Keil Drive North
Chatham, Ontario
N7M 5M1

Tel: (519) 436-5396
Fax: (519) 436-5218

Mr. Chris Ripley
Manager, Regulatory Applications
Union Gas Limited

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