



EB-2010-0154

**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 Union  
Gas Limited, under section 95 of the *Ontario Energy  
Board Act*, 1998, requesting exemption from the  
requirements of section 90(1) for an Order granting  
leave to construct natural gas pipelines and ancillary  
facilities in the City of Greater Sudbury.

### **PROCEDURAL ORDER NO. 1**

Union Gas Limited ("Union") filed an application with the Ontario Energy Board, (the "Board") on April 6, 2010, under section 95 of the *Ontario Energy Board Act*, 1998 (the "Act"), requesting an exemption from the requirements of Section 90 of the Act for an Order granting Leave to Construct natural gas pipeline and ancillary facilities in the City of Greater Sudbury (the "City").

Union stated that the City is proposing to construct a four lane extension to Maley Drive in Northern Sudbury with the work to commence in 2010 and be completed by 2014. In order to facilitate the construction of the roadways, the City needs Union to relocate those portions of its NPS 10 and NPS 12 Sudbury Laterals pipelines ("Sudbury Laterals") that conflict with the new location of Maley Drive. Union proposed to replace / relocate 1,580 metres of NPS 10 pipeline and 493 metres of NPS 12 pipeline. The pipeline relocation was originally scheduled to begin in mid-August 2010 and be completed by the end of November 2010.

On May 13, 2010 the Board issued a Decision and Order granting Union an exemption from the requirements of Section 90 of the Act for an Order granting Leave to Construct a natural gas pipeline and ancillary facilities in the City of Greater Sudbury.

In granting the exemption request, the Board set as a condition of approval (CoA) that Union must commence construction by December 31, 2011. On October 3, 2011, the Board received a request from Union to extend this construction deadline. Union has requested that CoA 1.2 be amended to state that the authorization for leave to construct shall terminate December 31, 2012 as opposed to the current termination date of December 31, 2011. Union noted that the extension request has been filed on the basis that the City of Sudbury has delayed construction of its road expansion project and has not yet served Union with a Move Order for the pipeline. Union noted that it will not move the pipeline without a Move Order from the City.

The Board has decided to treat the letter filed by Union on October 3, 2011 as a Motion to Review the Decision and Order issued on May 13, 2010 in the EB-2010-0154 proceeding.

The Board will now make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

#### **THE BOARD ORDERS THAT:**

- 1) The landowners directly affected by the project (namely, the City of Greater Sudbury, the Nickel District Conservation Authority and Vale Inco Limited) who wish to file comments in regards to Union's request to extend CoA 1.2 to December 31, 2012 may do so by filing written submissions no later than **October 28, 2011**.
- 2) Union may respond to any comments received by filing a Reply Submission no later than **November 11, 2011**.

All filings to the Board must quote file number **EB-2010-0154**, be made through the Board's web portal at [www.errr.ontarioenergyboard.ca](http://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](http://www.ontarioenergyboard.ca). If the

web portal is not available you may email your document to [BoardSec@ontarioenergyboard.ca](mailto: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.

All parties must also provide the Case Manager, Lawrie Gluck, [lawrie.gluck@ontarioenergyboard.ca](mailto:lawrie.gluck@ontarioenergyboard.ca), with an electronic copy of all comments and correspondence related to this case.

**DATED** at Toronto, October 17, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary