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By electronic filing

February 13, 2012

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th floor
Toronto, ON M4P 1E4

Dear Ms Walli,

Union Gas Limited (“Union”)
2010 Earnings Sharing & Deferral Accounts and Other Balances
Board File No.: EB-2011-0038
Our File No.: 339583-000104

This letter pertains to Procedural Order No. 5, issued today, and to the letter dated February 10, 2012, from counsel for Union to the Board stating that Union intends to respond on February 17, 2012, to the submissions we made in our letter of January 27, 2012, regarding the Draft Rate Order. The views we expressed in that letter were to the effect that the ratepayers’ share of 2010 net short-term revenues should be \$0.831M rather than the \$0.657M referenced in the Draft Rate Order circulated on February 3, 2012.

We rely upon the submissions contained in our letter of January 27, 2012, as CME’s comments on the Draft Rate Order. We note that Board Staff, in their written submissions dated February 10, 2012, support the views we expressed in that letter.

We urge the Board to recognize that had Union made submissions in chief on the point raised in our letter, when it circulated its Draft Rate Order on February 3, 2012, then others opposite in interest to Union would have had an opportunity to respond to those submissions when making their comments on the Draft Rate Order on February 10, 2012.

By withholding its submissions on the point for its Reply Argument to be delivered on February 17, 2012, Union deprives its opponents of that opportunity. This seems unfair when a primary purpose of our letter of January 27, 2012, providing Union with advance notice of our concern was to avoid such an outcome.

That said, we leave it to the Board to determine whether those opposite in interest to Union should be allowed to respond to anything Union raises in its Reply with respect to the point raised in our January 27, 2012 letter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'P. Thompson', followed by a long horizontal flourish.

Peter C.P. Thompson, Q.C.

PCT\slc

c. Chris Ripley (Union)
Intervenors in EB-2011-0038
Paul Clipsham (CME)

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