



EB-2011-0210

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, pursuant to section 36(1) of the *Ontario Energy Board Act*, 1998, for an order or orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas as of January 1, 2013.

PROCEDURAL ORDER NO. 4

Union Gas Limited (“Union” or the “Applicant”) filed an application on November 10, 2011 with the Ontario Energy Board (the “Board”) under section 36 of the Ontario Energy Board Act, 1998 for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2013 (the “Application”). The Board assigned file number EB-2011-0210 to the Application and issued a Notice of Application on December 1, 2011. The application was filed on the basis of US Generally Accepted Accounting Principles (“USGAAP”).

The Board issued its Procedural Order No. 1 on January 11, 2012, which established the approved list of Intervenor for this proceeding. In addition, Procedural Order No. 1 recognized the need for the Board’s determination on Union’s request for the adoption of USGAAP for regulatory purposes (the “Preliminary Issue”) in accordance with the Addendum to Report of the Board: Implementing International Financial Reporting Standards in an Incentive Rate Mechanism Environment (the “Addendum Report”).

In Procedural Order No. 1 the Board established a timeline for interrogatories, interrogatory responses, submissions, and reply submissions related to the Preliminary

Issue in advance of further procedural steps. In addition, the Board adopted the evidence related to the USGAAP issue from Union's 2012 IRM Proceeding EB-2011-0025 (the "Adopted Evidence").

The Board issued its Decision on the Preliminary Issue and Procedural Order No. 2 on March 1, 2012. The Board granted Union approval to use USGAAP for regulatory purposes. The Board also set out the timeline for the Issues Conference, Issues Day Hearing, filing of interrogatories, and responses to the interrogatories.

By letter dated March 2, 2012, Union filed a letter requesting that the Issues Conference be rescheduled for the week of March 19, 2012. Union also requested that the Board extend the amount of time that it has to reply to interrogatories.

By email dated March 2, 2012, the Board requested that intervenors provide comments on the procedural schedule. The Board received comments from the Building Owners and Managers Association of Toronto ("BOMA"), the Canadian Manufacturers & Exporters ("CME"), the City of Kitchener ("Kitchener"), the Consumers Council of Canada ("CCC"), Energy Probe, Federation of Rental-housing Providers of Ontario ("FRPO"), Jason Stacey, the London Property Management Association ("LPMA") and the School Energy Coalition ("SEC").

The Board issued Procedural Order No. 3 on March 5, 2012 (and as corrected on March 6, 2012). Procedural Order No. 3 rescheduled the dates for the Issues Conference and for the filing and responding to interrogatories.

An Issues Conference was held on March 19, 2012. Parties were not able to settle on a Final Issues List during the Issues Conference. The Board held the Issues Day Hearing on March 22, 2012. At the conclusion of the Issues Day Hearing, the Board approved a Final Issues List.

By letter dated March 23, 2012, the Board circulated the Final Issues List to all registered parties in the proceeding.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Board staff and intervenors who wish information and material from Union that is in addition to Union's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Union and all intervenors on or before **April 10, 2012**. (As set out in Procedural Order No. 3).
2. Union shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **May 4, 2012**. (As set out in Procedural Order No. 3).
3. Board staff and intervenors who wish to present evidence shall file that evidence with the Board and deliver it to the Applicant and all intervenors on or before **May 11, 2012**.
4. Anyone (intervenor, Board staff or the Applicant) who requires additional information related to any intervenor evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Union and all intervenors on or before **May 18, 2012**.
5. Responses to the interrogatories on intervenor evidence shall be filed with the Board and delivered to Union and all intervenors on or before **May 25, 2012**.
6. A Technical Conference involving Board staff, intervenors and the Applicant will be convened on **May 31, 2012** and **June 1, 2012** at 9:30 a.m. The Technical Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto. The Technical Conference is only in regards to Union's evidence.
7. A Settlement Conference will be convened on **June 6, 2012** at 9:30 a.m. with the objective of reaching a settlement among the parties on the issues. The Settlement Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto and if necessary may continue until **June 20, 2012**.
8. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **June 29, 2012**.

9. The oral hearing will commence on **July 10, 2012** in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto. Once the evidentiary phase of the oral hearing has concluded, the Board will hear argument orally beginning with argument-in-chief of Union followed by argument of intervenors and Board staff.

All filings to the Board must quote the file number, **EB-2011-0210**, be made through the Board's web portal at <https://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 <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents 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 March 26, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary