



**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. 5**

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”).

In Procedural Order No. 4 issued on March 26, 2012, the Board provided dates for the filing of written interrogatories and their responses, filing of intervenor evidence and interrogatories on intervenor evidence, a technical conference, a settlement conference and the commencement of the oral hearing.

TransCanada PipeLines Limited (“TCPL”) filed a letter dated April 4, 2012 requesting that the Board postpone the date for the filing of intervenor evidence and the oral hearing. TCPL indicated that the current schedule of Union’s proceeding overlaps with TCPL’s tolling and restructuring hearing before the National Energy Board. TCPL

requested that the Board re-schedule the date for filing intervenor evidence to May 16, 2012 and the commencement of the oral hearing to July 23, 2012, if possible.

In reply, Union filed a letter on April 9, 2012 submitting that the request of TCPL should be denied and the hearing should commence as per Procedural Order No. 4. However, Union did not object moving the deadline for the filing of intervenor evidence to May 16, 2012 provided that it does not impact the technical conference start date of May 31, 2012.

The Board is mindful of TCPL's current application before the National Energy Board and the challenge of managing two concurrent applications. The Board will accommodate TCPL's request to the extent possible and will hear the issues that are of primary interest to TCPL during the week of July 23, 2012. The oral hearing will still commence on July 10, 2012.

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. Union shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **May 4, 2012**.
2. 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 16, 2012**.
3. 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 22, 2012**.
4. Responses to the interrogatories on intervenor evidence shall be filed with the Board and delivered to Union and all intervenors on or before **May 29, 2012**.

5. 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, 25<sup>th</sup> Floor, Toronto. The Technical Conference is only in regards to Union's evidence.
6. 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, 25<sup>th</sup> Floor, Toronto and if necessary may continue until **June 20, 2012**.
7. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **June 29, 2012**.
8. The oral hearing will commence on **July 10, 2012** in the Board's hearing room at 2300 Yonge Street, 25<sup>th</sup> Floor, Toronto. Issues that are of interest to TCPL will be heard on **July 23, 2012**. 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](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto April 11, 2012

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary