



**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. 6**

Union Gas Limited ("Union") filed a cost of service application on November 10, 2011 with the Ontario Energy Board (the "Board") under section 36 of the Ontario Energy Board Act, 1998, S.O. c.15, Schedule B, as amended. The application is for an order or orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of natural gas, effective January 1, 2013.

In Procedural Order No. 3, the Board established May 4, 2012 as the deadline for Union to respond to written interrogatories. Union filed its written responses on May 4, 2012.

TransCanada Pipelines Limited ("TCPL") filed a Notice of Motion on May 17, 2012. The Motion requested the following:

- 1) An Order requiring Union to provide proper answers to the Interrogatories identified in Appendix "A" to the Notice of Motion, or such other information as the Board considers appropriate.
- 2) An Order requiring Union to file with the Board unredacted copies of pages in Interrogatory Responses that were filed in redacted form as part of Union's

Interrogatory Responses to TCPL, so that the Board can assess the reasonableness of the claims for confidentiality and make such order as it considers appropriate in that regard.

The interrogatories for which TCPL has requested “proper answers” from Union are as follows:

- a) Exhibit J.B-1-7-21 (b);
- b) Exhibit J.B-1-7-5 (d) and (g);
- c) Exhibit J.B-1-7-6 (c);
- d) Exhibit J.B-1-7-8 (b);
- e) Exhibit J.B-1-7-8 (c) and (d);
- f) Exhibit J.B-1-7-8 (e)<sup>1</sup>;
- g) Exhibit J.B-1-7-1 (a);
- h) Exhibit J.B-1-7-13 (a);
- i) Exhibit J.B-1-7-14 (f);
- j) Exhibit J.B-4-7-1 (a);
- k) Exhibit J.B-4-7-1 (b)(v); and
- l) Exhibit J.G-1-7-11.

The Board will hear the Motion filed by TCPL in writing. In regards to the first request included in TCPL’s motion, the Board will give all parties to the proceeding an opportunity to file submissions on the merits of TCPL’s request.

The second request included in TCPL’s motion is in regards to the treatment of confidential materials. The Board has decided that it will not hear this request as part of the TCPL Motion (as there were also other exhibits, not mentioned in TCPL’s Motion, which were filed under confidential cover which the Board has set out a process for hearing below). The Board is of the view that the standard process discussed below for reviewing confidential claims will sufficiently address the second request listed in TCPL’s Notice of Motion. As such, the Board has decided that TCPL’s Motion will be limited to only its first request.

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<sup>1</sup> TCPL requested that the Board require Union to file presentations made to Enbridge Gas where the Parkway West Project was discussed. Also requested the filing of unredacted versions of Attachment 1 and Attachment 2 (this issue is discussed later in this Procedural Order).

The Board notes that Union's interrogatory responses filed on May 4, 2012 included certain information filed in confidence. Union requested that the following interrogatory responses be held in confidence by the Board pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"):

- Exhibit J.H-12-2-1 (d); and
- Exhibit J.O-4-1-11 (a).

In accordance with section 5.1.5 of the Practice Direction, Union has filed a copy of the cover letter requesting confidentiality which identifies the above noted documents. Union also provided a description of the basis upon which confidentiality is claimed in the above noted exhibits.

The Board notes that Union filed redacted copies of Attachment 1 and Attachment 2 to Exhibit J.B-1-7-8 (e) but did not request confidential treatment for these documents. The Board directs Union to file unredacted copies of the noted documents with the Board under confidential cover.

The Board will allow any parties that wish to review the confidential documents to do so after signing a copy of the Board's Declaration and Undertaking with respect to confidential documents, and filing it with the Board. Parties that wish to make submissions on whether or not the Board should ultimately treat the documents as confidential may do so in accordance with the steps set out below. If the Board ultimately decides that the documents should not be afforded confidential treatment, they will be placed on the public record unless, within a period of five business days, and in accordance with section 5.1.12 of the Practice Direction, Union requests that the information be withdrawn.

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. TCPL shall file any additional submissions on its Motion with the Board and copy all other parties on or before **May 23, 2012**.

2. Parties wishing to make a submission on the confidentiality status of the proposed confidential documents shall file such submissions with the Board and copy all other parties on or before **May 24, 2012**.
3. Board staff and intervenors who wish to file submissions in relation to the TCPL Motion shall file such submissions with the Board and copy all other parties on or before **May 28, 2012**.
4. If Union wishes to respond to any submissions on the confidentiality status of the proposed confidential documents, it shall file such submissions with the Board and copy all other parties on or before **May 31, 2012**.
5. If Union wishes to file any submissions on the TCPL Motion it shall file such submissions with the Board and copy all other parties on or before **June 5, 2012**.
6. TCPL shall file any reply submissions in regards to its Motion with the Board and copy all other parties on or before **June 8, 2012**.

All filings to the Board must quote the file number, EB-2011-0210, 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. 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, May 18, 2012

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary