

June 6, 2012

File #11-616

By Email – boardsec@ontarioenergyboard.ca

By Fax – 1-416-440-7656

By Regular Mail

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
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Dear Ms. Walli:

Re: Tribute Resources Inc. - Huron Bayfield Storage Project Development
Board File Nos. EB-2011-0076, EB-2011-0077, EB-2011-0078, EB-2011-0285

I confirm that I am the legal representative for 2195002 Ontario Inc. (the "**Intervenor**").

Further to Procedural Order Nos. 1 and 2, the latter of which was dated May 8th, 2012, the Intervenor, 2195002 Ontario Inc. hereby makes the following submissions in relation to the Draft Issues List attached to Procedural Order No. 1 as Appendix B.

In addition to any other issues which may arise or be raised by the Intervenor or as may be included on the Draft Issues List, the Intervenor hereby submits that the following should be included as issues in this (these) proceeding(s) with reference to EB-2011-0076:

1. Does the Applicant have all the required **rights**, and specifically:
 - (a) Can an applicant be authorized to inject, store and withdraw gas if the applicant does not have all or most of the contractual rights to store? and,
 - (b) Does the Applicant have the contractual **rights** to store gas in the Stanley 4-7-XI Pool when its Gas Storage Lease was declared void by the Ontario Court of Appeal? and,

- (c) Does 2195002 Ontario Inc. have the contractual **right** to store gas in the Stanley 4-7-XI Pool given that it has the only valid Gas Storage Lease over lands that overly 76.441% of the Stanley 4-7-XI Pool? and,
- (d) Does the OEB have the right to authorize Tribute to inject, store and withdraw when the courts are in the process of deciding as between the Applicant and 2195002 Ontario Inc. who has the contractual **right** to inject, store and withdraw?

Rationale

1. Historically the question of the applicant having all required rights has been on the issues list and a consideration of the Board in similar applications.
2. Historically, applicants did not launch applications without enjoying **rights** over the bulk of the reservoir.
3. The Applicant's Gas Storage Lease was declared invalid by the Superior Court, which was affirmed by the Court of Appeal. This Applicant has no Gas Storage Lease.
4. 2195002 Ontario Inc. has the only valid registered Gas Storage Lease on the bulk of the Stanley 4-7-XI Pool (76.441%).
5. This issue is about rights (i.e. who has the right to inject, store and withdraw gas), it is not about compensation.
6. The recitals of facts in the section entitled "Background" in the Board's Procedural Order Nos. 1 and 2 are not correct in that they incorrectly recite that McKinley Farms Ltd. has an Application before the Superior Court of Justice, when the correct fact is that 2195002 Ontario Inc. (the holder of the only valid Gas Storage Lease on the McKinley Lands) is the Applicant before the Superior Court of Justice, where it seeks an order that its Gas Storage Lease is the only valid Gas Storage Lease over the McKinley Lands which overly 76.441% of the Stanley 4-7-XI Pool, and that Tribute has no right to store gas thereunder.

Thank you for your consideration of these very important issues.

Yours very truly,
Chinneck Law
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cc: Applicants and Intervenors - See attached list

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EB-2011-0076
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