

July 3, 2012

**VIA RESS AND COURIER**

Ms. Kirsten Walli  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27th Floor  
2300 Young Street  
Toronto, Ontario  
M4P 1E4

**Ian A. Mondrow**  
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Direct: 416-369-4570  
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Dear Ms. Walli:

**Re: EB-2012-0226 – Union Gas Limited (Union) Application for Leave to Construct.**

**Thunder Bay Terminals Limited (TBTL) Request for Late Intervention.**

We have been retained as legal counsel to TBTL in connection with the captioned proceeding. We write on behalf of TBTL to request late intervention in this matter.

**Description of TBTL**

TBTL is an Ontario corporation that owns and operates a cargo transfer terminal on McKellar Island in the City of Thunder Bay. The Terminal transfers coal and other bulk products from rail cars to ground storage and from ground storage loads them on to ships at its dock on Lake Superior.

**TBTL's Interest in the Proceeding**

Union has sought Leave to Construct a pipeline to transport natural gas from TransCanada Pipeline's valve site in Gorham Township to the Ontario Power Generation owned and operated Thunder Bay generating station on Mission Island. Mission Island is immediately adjacent to McKellar Island, and the proposed pipeline would be built across property occupied and used by TBTL under a long term lease from Canadian Pacific Railroad Company.

**Reason for Late Intervention**

TBTL was served with a copy of Union's Application as an "affected landowner". The Application was served by way of registered mail, under cover of Union's letter dated June 14, 2012. Union's letter was not addressed to any particular individual at TBTL, and was thus delivered to

the desk of Mr. John Kepes, Vice-President of Finance and Administration for TBTL, the most senior officer on site at the terminal. Mr. Kepes was on vacation when the notice was delivered. Upon his return on June 28, 2012, Mr. Kepes reviewed the notice. We were retained on June 29, 2012.

As a late intervenor, TBTL will accept the record to date and the procedural status of the application as it stands. In light of this acceptance, and the early stage of the proceedings, neither the parties to, nor the progress of, this matter would be prejudiced by the granting of TBTL's request for late intervention.

### **Nature and Scope of TBTL's Intended Participation**

TBTL is generally concerned with the appropriateness of Union's proposed pipeline route over the property on which TBTL operates, and with the execution and remediation by Union of the construction of the proposed pipeline.

TBTL intends to review Union's application and evidence to more precisely define any concerns or positions in respect of these matters, and will advise the Board, Union and interested parties further in due course.

### **Intention to Seek an Award of Costs**

Pursuant to subsection 3.03(c) of the Board's *Practice Direction on Cost Awards*, TBTL intends to seek a cost award as a person with an interest in land that is affected by the process.

### **Request for Written Evidence and Contact Information**

TBTL requests that copies of written evidence and other circulated materials related to this matter be directed to TBTL as follows:

Ian Mondrow, Partner  
**GOWLING LAFLEUR HENDERSON LLP**  
Suite 1600, 1 First Canadian Place  
100 King Street West  
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Phone: 416-369-4670  
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John Kepes, Vice-President Finance and  
Administration  
**THUNDER BAY TERMINALS LIMITED**  
P.O. Box 1800, 375 Carpenter Street  
McKellar Island  
Thunder Bay, Ontario  
P7C 5J7

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E-Mail: [j\\_kepes@tbaytel.net](mailto:j_kepes@tbaytel.net)



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We appreciate the Board's consideration of this request.

Yours truly,

A handwritten signature in dark ink, appearing to read "Ian A. Mondrow".

Ian A. Mondrow

c. John Kepes, TBTL  
Mark Murray, UNION  
Zora Crnojacki, OEB Staff

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