



EB-2011-0076
EB-2011-0077
EB-2011-0078
EB-2011-0285

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B; and in particular sections 36.1(1), 38(1), 40(1), 90(1), thereof;

AND IN THE MATTER OF an application by Tribute Resources Inc. for an Order designating the areas known as the Stanley 4-7-XI Pool and the Bayfield Pool, in the County of Huron, as gas storage areas;

AND IN THE MATTER OF an application by Tribute Resources Inc. for authority to inject gas into, store gas in and remove gas from the areas designated as the Stanley 4-7-XI Pool and the Bayfield Pool and to enter into and upon the lands in the said areas and use the land for such purposes;

AND IN THE MATTER OF an application by Tribute Resources Inc. to the Ministry of Natural Resources for a license to drill wells in the said areas;

AND IN THE MATTER OF an application by Tribute Resources Inc. for an Order granting leave to construct natural gas pipelines in the County of Huron and in the County of Middlesex;

AND IN THE MATTER OF an application by Tribute Resources Inc. for a determination in respect of the compensation payable under Section 38 of the *Ontario Energy Board Act, 1998*.

PROCEDURAL ORDER NO. 4

July 13, 2012

Tribute Resources Inc. and Bayfield Resources Inc., on behalf of Huron Bayfield Limited Partnership and Bayfield Pipeline Corp. (“Tribute”) have filed applications with the Ontario Energy Board (the “Board”), dated April 20, 2011, and amended August 4, 2011. The applications were filed under sections 36.1(1), 38(3), 40(1) and 90(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the “Act”). The applications, if granted, would allow Tribute to develop natural gas storage pools located in the geographic area of the County of Huron and in the County of Middlesex Ontario (the “Project”).

The Project includes the designation and development of two proposed gas storage pools in Huron County, the Stanley 4-7-XI Pool and the Bayfield Pool and the construction and operation of a transmission pipeline to connect these proposed storage pools with Union Gas Limited’s pipeline system.

The applications are organized into four Board Files as follows:

- a. Development of Stanley Pool (Board File No. EB-2011-0076)
- b. Development of the Bayfield Pool (Board File No. EB-2011-0077)
- c. Leave to Construct a Natural Gas Pipeline (Board File No. EB-2011-0078)
- d. Request for Determination of Compensation (Board File No. EB-2011-0258)

On April 30, 2012 the Board issued Procedural Order No.1 (“PO 1”). In PO 1 the Board provided a Draft Issues List and made provision for written submissions on the Draft Issues List.

On May 8, 2012, by way of PO 2, the Board extended the timeline set in the PO 1. PO 2 set the timeline for filing the following: submissions on the Draft Issues List by June 6, 2012; interrogatories by June 20, 2012; responses to interrogatories by July 4, 2012; intervenor evidence by July 18, 2012; interrogatories on intervenor evidence by August 8, 2012; and responses on intervenor evidence by August 22, 2012.

On June 13, 2012 the Board issued Procedural Order No. 3 and its Decision on the Issues List.

On July 4, 2012 the Board received a request for late intervention from Northern Cross Energy Limited (“NCE”). NCE stated that it had a direct interest in the proceeding as a prospective natural gas storage developer in Huron County. NCE currently operates 3 natural gas production pools in Huron County which are the candidates for storage development in the near future. In particular, NCE expressed interest in the pipeline proposed by Tribute to connect to Union Gas Limited’s system. NCE did not seek eligibility for cost award. The Board has considered the request by NCE and will grant late intervenor status subject to any objection made by Tribute and a condition that NCE accepts the record of the proceeding as it stands.

On July 9, 2012, in response to Board Staff interrogatories, Tribute filed two documents for which it is seeking confidentiality (“Confidentiality Request”). In response to Board staff interrogatory 5 Tribute filed a document with a non-confidential title “Tribute’s Business Plan for the proposed project, including the feasibility assessment of the project”. In response to interrogatory 9 Tribute filed a document with a non-confidential title “Tribute’s pipeline feasibility assessment”. Tribute requested that these documents be held in confidence in accordance with Rule 10 of the Board’s *Rules of Practice and Procedure* and in accordance with the Board’s *Practice Direction on Confidential Filings* (“Practice Direction”) dated October 13, 2011.

Tribute claims that each of the documents contains sensitive financial data and information, including internal rates of return, the disclosure of which could reasonably be expected to significantly prejudice Tribute’s competitive position in the gas storage business. Tribute also claims that public disclosure would place Tribute in breach of certain confidentiality obligations that it has under existing contracts with Market Hub Partners Canada LP.

As set out in the Board's *Practice Direction* it is the Board's general policy that all evidence should be on the public record unless disclosure is prohibited. This reflects the Board's view that its proceedings should be open, transparent and accessible. The *Practice Direction* seeks to balance these objectives with the need to protect information properly designated as confidential.

The Board will, by way of this Procedural Order set the process for the participants' written submissions on the Confidentiality Request. As an interim measure, the Board will allow any counsel for intervenors that wish to review the confidential document 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 and serving on Tribute. Tribute is asked to provide the confidential document directly to the requesting party, subject to the parties filing with the Board and serving on Tribute an executed Declaration and Undertaking.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further procedural orders from time to time. The Board will determine next steps in the proceeding at the later date.

THE BOARD ORDERS THAT:

1. The Board confirms Northern Cross Energy Limited as a registered intervenor in the EB-2011-0076/0077/0078 proceeding under condition that NCE accepts the record as it stands and subject to Tribute Resources Inc. right to object within **14 calendar days** from the issuance of this procedural order.
2. Intervenors and Board staff who object to Tribute's request for confidential treatment shall file their submissions by **July 27, 2012**.
3. Tribute Resources Inc. shall file any reply submission by **August 3, 2012**.

4. If the Board ultimately decides that the document should not be afforded confidential treatment, it will be placed on the public record unless, within a period of **5 business days**, and in accordance with section 5.1.12 of the Practice Direction on Confidential Filing, Tribute Resources Inc. requests that the information be withdrawn.

All filings to the Board must quote file numbers **EB-2011-0076/0077/0078** be made through the Board's web portal at 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.

Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the BoardSec@ontarioenergyboard.ca. 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 seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

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.

DATED at Toronto July 13, 2012

ONTARIO ENERGY BOARD

Original Signed by

Kirsten Walli
Board Secretary