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July 4, 2012
File No.: 211870.17900

VIA EMAIL: boardsec@ontarioenergyboard.ca

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms Walli:

Re: Board File No. EB-2012-0226 – Application for Leave to Construct Filed By Union Gas Limited (the “Application”)

We are the solicitors for the Canadian Pacific Railway Company (“CP”), the registered owner of certain parts of McKellar Island.

We write on behalf of CP to request observer status in the above-captioned matter.

Union Gas Limited (“**Union**”) has requested leave to construct a natural gas pipeline (the “**Project**”) that would traverse the portion of McKellar Island that CP owns and presently leases. Accordingly, CP will be directly affected by the Project and has a significant interest in Union’s Application. CP therefore requests that the Ontario Energy Board (the “**Board**”) make CP an observer in this matter.

We recognize that CP’s request for observer status is being filed after the deadline set by the Board and we respectfully request that the Board exercise its discretion pursuant to section 7 of the Board’s Rules of Practice and Procedure (the “**Rules**”) to accept CP’s late request. Due to holiday scheduling CP did not become aware of Union’s Application until after the deadline for requesting observer status had passed.

Pursuant to section 25 of the Rules, CP respectfully requests that all documentation filed in this Application be sent to CP or made available to CP electronically. If CP is granted observer status it will make this request of the parties in the matter and will comply with rule 25.


The contact information for CP' s counsel, for the delivery of documents is as follows:

Fasken Martineau DuMoulin LLP
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Attention: Neil M. Smiley (nsmiley@fasken.com)
Sarah Jane Turney (sturney@fasken.com)

We look forward to receiving the Board's directions on the matters described above.

Yours truly,



Neil Smiley

NS/sjt
Attachment

cc: Colin Goldie (CP)
Anne Dragicevic (CP)
Sarah Jane Turney (FMD)