



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.

DECISION AND PROCEDURAL ORDER NO. 7

July 31, 2012

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 response to Interrogatory J.O-4-15-1 from the School Energy Coalition ("SEC"), Union filed two presentations to its executive team respecting its 2012 ROE forecasts. Union redacted certain information contained in these presentations.

During cross examination at the oral hearing, several parties asked Union to provide the unredacted versions of the presentations. Union agreed, as a first step, to provide all of the redacted "headings" in the presentations, but not the numbers associated with those headings. Union filed this information on July 26, 2012 as part of Undertaking J8.8. Upon reviewing the Undertaking response, several parties submitted that the Board should require Union to file complete unredacted versions of the presentations. The Board heard oral argument on this matter from Canadian Manufacturers and Exporters

("CME"), the Federation of Rental Housing Providers of Ontario ("FRPO") and Union on July 30, 2012.

CME argued that the headings, provided as part of Undertaking J8.8, highlight that the redacted numbers relate to capital expenditures on Union's storage pools, amongst other things. CME argued that this information is directly relevant to the allocation of capital spending between Union's utility and non-utility business which has a direct impact on 2013 rates. CME also argued that this information is relevant to interest coverage and that the parties in this proceeding should have the same information that was made available to Union's Board of Directors.

FRPO supported CME noting that the redacted numbers were directly relevant to the issue of the allocation of costs between utility and non-utility businesses.

Union argued that the redacted numbers have no relevance to the proceeding. Union stated that the redacted information relates to Union's non-utility storage business, and is therefore not relevant to the proceeding. Union further argued that much of the redacted information can be found, at least in aggregate form, in other parts of Union's evidence.

The Board agrees with the submissions of CME and FRPO that the redacted information is relevant to the allocation of costs between Union's utility and non-utility businesses. Although the Board does not regulate parts of Union's storage activities, the manner in which the related costs are allocated does impact rates, and is therefore relevant to this proceeding. As such, the Board finds that the redacted information should be produced. Union may file the information on a confidential basis; however, in the event that a party or parties seek to challenge the confidential status of the materials at a later date, the Board may seek further submissions on whether the information should be afforded confidential treatment.

THE BOARD ORDERS THAT:

1. Union shall file unredacted versions of the noted documents with the Board and with those parties that have signed the Board's Declaration and Undertaking with respect to confidentiality by **August 2, 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, 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

Tel: 1-888-632-6273 (toll free)

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DATED at Toronto, July 31, 2012
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary