



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. 5
September 18, 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)

The written discovery process concluded on August 22, 2012. On August 28, 2012 Tribute filed a letter with the Board stating that “it might now be appropriate to convene a settlement conference...” regarding the compensation issue involving McKinley. On August 29, 2012, a lawyer for intervenors McKinley Farms Ltd. and 2195002 Ontario Inc. (“McKinley”) confirmed by a letter that his clients would support a settlement conference.

The Board has considered the request and has determined that the timing for a Board-facilitated settlement conference on compensation is premature. By way of Procedural Order No. 1 dated April 30, 2012, the Board informed parties that the application dealing

with compensation (EB-2011-0285) has been stayed pending a decision from the Ontario Superior Court, which decision is expected sometime this month. However, the Board notes that Tribute and McKinley may at any time engage in negotiations regarding the arrangements for compensation on a bilateral basis, without involvement of the Board.

On September 6, 2012, one of the intervenors, the Huron County Federation of Agriculture (HCFA) filed a Motion requesting that Tribute be ordered to provide more complete answers to certain interrogatories filed by HCFA on July 18, 2012. By way of letter dated September 12, 2012 Tribute advised the Board that it was prepared to voluntarily answer the interrogatories set forth by HCFA and would file the responses by September 17, 2012. On September 17, 2012, Tribute filed the responses to HCFA interrogatories.

The Board intends to proceed by way of a written hearing however hereby invites submissions from parties on the need for an oral hearing and further discovery. 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 ORDERS THAT:

1. Tribute, intervenors and Board staff may file with the Board, by **Monday, September 24, 2012** a request for an oral hearing. Any request for an oral hearing must be supported by an explanation of why the written record is not sufficient and why an oral hearing is required. The request must also identify the particular issues which require cross-examination in the party's view. a submission on the advantages of the oral hearing versus a written hearing in this particular proceeding.
2. In the event of a written hearing:
 - a. Tribute shall file its argument-in-chief by **Tuesday October 9, 2012**.

- b. Board staff shall file their submissions by **Monday, October 22, 2012**.
- c. Intervenors shall file their submission by **Monday, November 5, 2012**.
- d. Tribute shall file its reply submission by **Monday, November 12, 2012**.

All filings to the Board must quote file numbers **EB-2011-0076/0077/0078** be made through the Board's web portal at at <https://www.pes.ontarioenergyboard.ca/eservice/> 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. All filings must also be sent to all other parties to the proceeding.

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 September 18, 2012

ONTARIO ENERGY BOARD

Original Signed by

Kirsten Walli
Board Secretary