

# AIRD & BERLIS LLP

Barristers and Solicitors

Dennis M. O'Leary  
Direct: 416.865.4711  
E-mail: doleary@airdberlis.com

December 10, 2012

BY EMAIL AND RESS

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Board Motion to Review  
EB-2012-0396  
Application by Integrated Grain Processors Co-operative Inc.  
EB-2012-0406**

---

We attach a Notice of Motion by Integrated Grain Processors Co-operative Inc. ("IGPC") for an Order consolidating the above-noted proceedings so that outstanding issues in each proceeding could be dealt with in the same proceeding. Given the substantial degree of common and overlapping issues between the two proceedings, it is submitted that it is administratively more efficient to proceed before one panel, in one proceeding.

IGPC notes, however, that its Application pursuant to Subsection 42(3) of the *Ontario Energy Board Act, 1998* (EB-2012-0406) in respect of its request for additional gas distribution services from Natural Resource Gas Limited ("NRG") is a matter of some urgency given the timing of IGPC's plans for upgrades to its facility. Accordingly, IGPC respectfully requests this relief be considered on an expedited basis.

Yours truly,

AIRD & BERLIS LLP



Dennis M. O'Leary / Scott Stoll

DMO:ct

Enclosure

cc Intervenor and parties in above proceedings and EB-2010-0018

13619925.1

**ONTARIO ENERGY BOARD**

**EB-2012-0396**

**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 Natural Resource Gas Limited for an Order or Orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas commencing October 1, 2010;

**AND IN THE MATTER OF** a hearing on the Board's Own Motion.

**- AND -**

**EB-2012-0406**

**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 Integrated Grain Processors Co-operative Inc. for an Order pursuant to Subsection 42(3) of the *Ontario Energy Board Act, 1998*, requiring Natural Resource Gas Limited to provide gas distribution services;

**AND IN THE MATTER OF** Section 19, Subsections 36(1) – (7), and Clause 126(1)(d) of the *Ontario Energy Board Act, 1998*;

**AND IN THE MATTER OF** compliance with an Order of the Board and the filing of false or misleading information under Clauses 126(1)(b) and (c) and Subsection 126(2) of the *Ontario Energy Board Act, 1998* .

**NOTICE OF MOTION  
BY  
INTEGRATED GRAIN PROCESSORS CO-OPERATIVE INC.**

Integrated Grain Processors Co-operative Inc. (“**IGPC**”) brings this motion on a date and time and in a manner to be determined by the Ontario Energy Board (“**Board**”).

### **Relief Sought**

The motion is for:

1. A Procedural Order consolidating the above proceedings so that all issues raised in these proceedings can be dealt with by one panel in one proceeding.
2. A Procedural Order which contemplates an early and expeditious hearing of IGPC's Application in EB-2012-0406 for an Order requiring Natural Resource Gas Limited ("NRG") to provide additional gas distribution services to IGPC pursuant to Subsection 42(3) of the *Ontario Energy Board Act, 1998* ("Act").
3. Such further and other relief as counsel may advise and the Board deem just.

### **Grounds for the Motion**

1. There are common and overlapping historical and current factual circumstances which make it appropriate for both proceedings to be considered contemporaneously. It is clear from NRG's Reply Submissions in EB-2012-0396 that it considers virtually all prior proceedings and all of the past conduct of NRG to be relevant to the current proceedings. As it is also clear that NRG's flawed historical recollections of past events will require correction on the record, it is administratively and procedurally preferable for this to occur in only one proceeding.
2. No party will suffer any prejudice by the consolidation of the proceedings. The sole exception to this is IGPC's request for additional gas distribution services in its Application in EB-2012-0406 pursuant to subsection 42(3) of the Act. Should NRG continue to refuse to comply with its statutory obligations, IGPC will suffer significant prejudice. As a result, this issue must be dealt with as soon as possible given the timing of IGPC's plans for the upgrades to its facility.

### **Documentary Evidence**

IGPC will rely upon the following documentary evidence for the purposes of this motion:

1. This Notice of Motion;
2. The documents and materials filed in the above proceedings; and

3. Such further and other materials as counsel may advise and the Board permits.

Dated: December 10, 2012.

**AIRD & BERLIS LLP**  
Barristers and Solicitors  
Brookfield Place  
181 Bay Street, Suite 1800  
Toronto, ON M5J 2T9

**Dennis M. O'Leary**  
**Scott A. Stoll**

Tel: 416.865-4711  
Tel: 416.865-4703

Fax: 416.863.1515

Lawyers for Integrated Grain Processors  
Co-operative Inc.

TO: Natural Resource Gas Limited

AND TO: Intervenors in EB-2012-0396, EB-2012-0406, and EB-2010-0018