



**EB-2013-0109**

**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 for an order or orders clearing certain non-commodity related deferral accounts and sharing utility earnings pursuant to a Board approved earnings sharing mechanism;

**AND IN THE MATTER OF** an Application by Union Gas Limited for an order approving a deferral account to capture variances between earnings sharing, deferral account and other balances approved for disposition and amounts actually refunded/recovered

**PROCEDURAL ORDER NO. 1**

**June 25, 2013**

Union Gas Limited ("Union") filed an application dated May 9, 2013 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Schedule B, for an order of the Board amending or varying the rate or rates charged to customers as of October 1, 2013 in connection with the sharing of 2012 earnings under the incentive rate mechanism approved by the Board as well as final disposition of 2012 year-end deferral account and other balances (the "Application").

The Application also requests approval of a deferral account to capture variances between earnings sharing, deferral account and other balances approved for disposition and amounts actually refunded/recovered (Account No. 179-132). The Board has assigned file number EB-2013-0109 to the Application.

The Board issued a Notice of Application (the "Notice") dated June 6, 2013.

Intervenor status was requested by Association of Power Producers of Ontario ("APPrO"), Building Owners and Managers Association ("BOMA"), Canadian

Manufacturers and Exporters ("CME"), Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), Federation of Rental-housing Providers of Ontario ("FRPO"), Industrial Gas Users Association ("IGUA"), City of Kitchener ("Kitchener"), London Property Management Association ("LPMA"), Ontario Greenhouse Vegetable Growers ("OGVG"), Shell Energy North America (Canada) Inc. ("Shell Energy"), Tenaska Marketing Canada ("Tenaska"), TransCanada Energy Ltd. ("TCE"), TransCanada Pipelines Ltd. ("TransCanada"), and Vulnerable Energy Consumers Coalition ("VECC").

APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, and VECC applied for cost eligibility. Union did not object to the requests for cost eligibility.

The Board grants intervenor status to APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, Kitchener, LPMA, OGVG, Shell Energy, Tenaska, TCE, TransCanada, and VECC. A list of intervenors in this proceeding is attached as Appendix A to this Order. The Board has also determined that APPrO, BOMA, CME, CCC, Energy Probe, FRPO, LPMA, OGVG and VECC will be eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board has determined that a Settlement Conference is appropriate for this proceeding and has set out dates below, however, the Board may decide that certain issues are excluded from the settlement discussions. Further information will be forthcoming on which issues may not be eligible for settlement.

The Board considers it necessary to make provisions for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

#### **THE BOARD ORDERS THAT:**

1. Board staff seeking information and material from Union that is in addition to the evidence filed with the Board, and that is relevant to this proceeding, shall request it by written interrogatories filed with the Board and delivered to Union and intervenors on or before **July 3, 2013**.
2. Intervenors seeking information and material from Union that is in addition to the evidence filed with the Board, and that is relevant to this proceeding, shall request it by written interrogatories filed with the Board and delivered to Union on or before **July 10, 2013**.

3. Union shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **July 24, 2013**.
4. A Settlement Conference will be convened at 9:00 a.m. on **August 1, 2013** with the objective of reaching a settlement among the parties on the eligible issues. The Settlement Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, and may continue until **August 2, 2013** if needed.
5. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. on **August 9, 2013**.

All filings to the Board must quote file number **EB-2013-0109**, be made electronically through the Board's web portal at [www.pes.ontarioenergyboard.ca/eservice](http://www.pes.ontarioenergyboard.ca/eservice) in searchable / unrestricted PDF format. Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address.

All filings shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca/OEB/Industry](http://www.ontarioenergyboard.ca/OEB/Industry). If the web portal is not available, parties may email their documents to the address below.

Persons 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.

For all electronic correspondence and materials related to this proceeding, parties must include in their distribution lists the Case Manager, Munir Madhavji at [munir.madhavji@ontarioenergyboard.ca](mailto:munir.madhavji@ontarioenergyboard.ca) and Senior Legal Counsel, Kristi Sebalj at [kristi.sebalj@ontarioenergyboard.ca](mailto:kristi.sebalj@ontarioenergyboard.ca)

All communications should be directed to the attention of the Board Secretary 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

Filings: <https://www.pes.ontarioenergyboard.ca/eservice/>  
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**DATED** at Toronto, June 25, 2013

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

# **APPENDIX A**

**PROCEDURAL ORDER NO. 1**

**APPLICANT AND LIST OF INTERVENORS**

**BOARD FILE NO. EB-2013-0109**

**DATED June 25, 2013**

**Union Gas Limited  
EB-2013-0109**

**APPLICANT & LIST OF INTERVENORS**

**June-25-13**

**APPLICANT**

**Rep. and Address for Service**

**Union Gas Limited**

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**INTERVENORS**

**Rep. and Address for Service**

**Association of Power  
Producers of Ontario**

**David Butters**

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**Association of Power  
Producers of Ontario**

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**Building Owners and  
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**Canadian Manufacturers &  
Exporters**

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**Federation of Rental-housing  
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**Industrial Gas Users  
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**Vulnerable Energy  
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