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July 12, 2013

## BY COURIER, 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: Integrated Grain Processors Co-operative Inc.  
Board Files No. EB-2012-0406 and EB-2013-0081**

As counsel to Integrated Grain Processors Co-operative Inc. ("IGPC"), we attach a Notice of Motion to the Ontario Energy Board seeking an order to compel NRG to provide full and adequate responses to the Interrogatories asked by IGPC which are identified in Appendix A to the Notice of Motion. This motion will be brought pursuant to Rule 29 of the Board's Rules of Practice and Procedure. IGPC requests that the motion be heard orally.

In its responses, NRG has failed to provide full or any answers to numerous relevant interrogatories posed by IGPC. IGPC supported the request of NRG's counsel for additional time to respond on the basis it would allow NRG time to provide more fulsome responses. This did not occur.

Yours truly,

AIRD & BERLIS LLP



Dennis M. O'Leary / Scott Stoll

cc Natural Resource Gas Limited  
cc Khalil Viraney, Board Staff  
cc Intervenors

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**ONTARIO ENERGY BOARD**

**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., pursuant to section  
42(3) of the Ontario Energy Board Act, 1998, for an order  
requiring Natural Resource Gas Limited to provide gas  
distribution services;

**AND IN THE MATTER OF** an Order to review capital  
contribution costs paid by Integrated Grain Processors Co-  
operative Inc., to Natural Resource Gas Limited pursuant to  
Section 19 and 36 of the Ontario Energy Board Act, 1998.

**NOTICE OF MOTION OF  
INTEGRATED GRAIN PROCESSORS CO-OPERATIVE INC.  
and IGPC ETHANOL INC.**

Pursuant to the Ontario Energy Board's Rules of Practice and Procedure (the "Rules"), Rule 29.03, Integrated Grain Processors Co-operative Inc. and IGPC Ethanol Inc. ("IGPC") will make a motion to the Board for the matter described herein on a date and at a time to be determined by the Board at the Board's office located at 2300 Yonge Street, Toronto, Ontario. IGPC requests the motion be heard orally.

**THIS MOTION IS FOR:**

1. An order or orders of the Board:
  - (a) Requiring NRG to provide a full and adequate response to each interrogatory identified in Appendix A to this Notice of Motion;
  - (b) Providing for the proper conduct and scheduling of this motion; and
  - (c) Providing such other relief as Counsel may request and the Board deem just and reasonable.

**THE GROUNDS FOR THIS MOTION:**

1. Rule 29.01 requires a party to provide "full and adequate response to each interrogatory".
2. Rule 29.03 provides a party with the right to seek direction from the Board where another party has failed to provide a satisfactory response.
3. NRG has refused to respond to certain interrogatories or it has provided answers which are not full or adequate and/or which fail to respond to the question asked.
4. The responses of NRG to the interrogatories identified in Appendix A to this Notice of Motion are required to assist the Board in its determination of the issues in this proceeding.
5. Responses from NRG are required to allow other parties to understand and review, prior to the hearing, the case NRG intends to make and the evidence upon which it intends to rely.
6. Rules 8, 13 and 14 of the Rules.

**MATERIALS TO BE RELIED UPON**

IGPC will rely upon the following materials:

- (a) The evidence in this proceeding including the approved Issues List and NRG's response to Interrogatories filed June 28, 2013;
- (b) The Ontario Energy Board Rules of Practice and Procedure; and
- (c) Such other materials as Counsel may advise and this Board will permit.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED.**

INTEGRATED GRAIN PROCESSORS CO-  
OPERATIVE INC. and IGPC ETHANOL INC.



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

AND TO: Intervenors

**APPENDIX A  
TO NOTICE OF MOTION**

**IR #      Question #**

**Interrogatories Asked by IGPC**

- |    |                              |
|----|------------------------------|
| 1  | 1(d), 2(a) and (d), and 3(c) |
| 3  | 1 through 9                  |
| 4  |                              |
| 6  | (a), (b), (d) and (f)        |
| 8  | (a) through (f)              |
| 10 | (d) and (e)                  |
| 11 | (d)                          |
| 12 | (b), (h) and (i)             |
| 13 | (a), (b), (e), (g), (h)      |
| 15 | (a) through (g)              |
| 16 | (a), (b) and (c)             |

**Interrogatories Asked by Board Staff**

- |   |                            |
|---|----------------------------|
| 2 | (b), (c), (d), (e) and (f) |
|---|----------------------------|