

July 26, 2013

**BY EMAIL AND RESS**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

**Re: EB-2012-0451, EB-2012-0333 and EB-2013-0074**

Union writes in response to TransCanada's letter of yesterday advising of its intention to revise its written evidence and requesting that the pre-hearing steps and hearing be delayed to accommodate its revised evidence.

Union is strongly opposed to any further delay in the hearing of its Parkway related applications. The beginning of the hearing has already been delayed by a month to accommodate the need for further evidence from Enbridge in respect of its GTA Project application. For reasons previously outlined by Union, the public interest strongly supports proceeding with all of the applications presently before the Board as expeditiously as possible.

In the event the Board is prepared to modify the existing schedule to permit TransCanada to file additional evidence, the filing of that evidence and the need for resulting interrogatories should not delay the commencement of the hearing. In Union's view, the timetable set out in the Board's Procedural Order No. 6 could be modified to permit the filing of additional evidence and the interrogatory process to occur, as follows:

- Interrogatories submitted to Enbridge by August 2
- Enbridge to respond to interrogatories by August 12
- TransCanada to file its revised evidence by August 16
- Interrogatories submitted to TransCanada by August 20
- TransCanada to respond to interrogatories by August 26

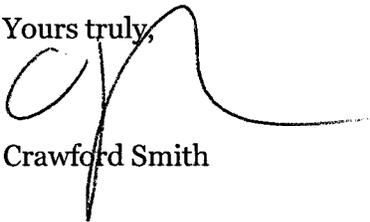
- Settlement conference to take place on August 28
- Any settlement proposal to be filed by September 4

These minor modifications and additions to the timetable would allow the currently scheduled dates for the pre-hearing conference date and the hearing to remain in place. We understand that Enbridge is prepared to submit its responses to interrogatories by August 12, if necessary instead of August 14 in an effort to ensure that the hearing is not delayed any further.

Union submits that the scheduled National Energy Board (NEB) hearing referred to by TransCanada is not a proper basis to adjourn the hearing date. As a general matter, given the multi-party nature of the proceedings before the Board, adjournments are not granted on the basis of scheduling convenience. In this case, Union, Enbridge and GMi are all participants in the NEB application, strongly opposed to the relief claimed by TransCanada. The Eastern LDCs intend to file evidence in the NEB application and participate actively in that proceeding. We anticipate that, like TransCanada, a number of the Eastern LDC witnesses may be witnesses in the applications before the Board. Nevertheless, each of the Eastern LDCs has organized itself so as to be able to participate simultaneously in both hearings. If TransCanada wishes to participate in this proceeding, it should similarly be required to make itself available on the hearing dates fixed by the Board.

Finally, Union notes TransCanada's position that its MOU with Enbridge (granting TransCanada exclusive access to Segment A) remains in effect. Enbridge initiated an open season yesterday with respect to the capacity on Segment A, in accordance with the Board's Storage and Transportation Access Rule. TransCanada's position with respect to the enforceability of the MOU has no bearing on these applications or on the timetable for the hearing.

Yours truly,



Crawford Smith

CS/lt

cc: Myriam Seers  
All Parties by RESS