



EB-2012-0406
EB-2013-0081

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 (the "Act"), for an order requiring Natural Resource Gas Limited to provide gas distribution service; and

AND IN THE MATTER OF a review of the capital contribution costs paid by Integrated Grain Processors Co-operative Inc. to Natural Resource Gas Limited pursuant to Sections 19 and 36 of the Act.

PROCEDURAL ORDER NO. 5
October 11, 2013

On February 11, 2013, the Board issued a Notice of Application and Written Hearing with respect to an order requested by Integrated Grain Producers Cooperative Inc. ("IGPC") pursuant to Section 42(3) of the Act requiring Natural Resource Gas Limited ("NRG") to provide gas distribution services and gas sales as requested by IGPC to meet its facility expansion and upgrading plans.

The Board further issued a Notice of Application on April 2, 2013, pursuant to the Board's Decision in EB-2012-0396 advising parties that the Board had initiated a new proceeding (Board file No. EB-2013-0081) to review the capital costs of a pipeline built by NRG to serve the IGPC facility in Aylmer. The Board also determined that it would combine the Section 42 (EB-2012-0406) and the capital costs (EB-2013-0081) proceedings.

The Board issued a Decision on Motion and Procedural Order No. 4 on August 29, 2013, directing NRG to respond fully to certain interrogatories and also ordered a

settlement conference to be held on September 18, 2013, with the objective of reaching a settlement among the parties on the issues before the Board. No settlement was reached between the parties.

In a letter dated September 26, 2013, IGPC indicated that an oral hearing would not be necessary and a short technical conference followed by final written submissions would suffice. NRG responded by letter on October 2, 2013, agreeing with IGPC that an oral hearing was not required. However, it disagreed with IGPC's recommendation of a technical conference. NRG noted that the issues before the Board are as a result of a long-standing dispute between NRG and IGPC, and there is a significant amount of evidence on record. NRG submitted that there would be no further benefit gained from additional discovery. However, compared to a technical conference, NRG preferred an oral hearing.

The Board agrees with both parties that an oral hearing is not required. However, the Board believes that some additional discovery will help complete the record and provide a proper evidentiary record for the Board.

The Board will make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. The Board will provide for a second round of written interrogatories to be submitted to NRG and IGPC. Parties and Board staff wishing to seek further information that is in addition to the evidence on record shall request it by written interrogatories filed with the Board and served on all parties on or before **Monday, October 21, 2013**. The Board reminds IGPC not to pursue areas of questioning that have already been determined by the Board in the Motions Decision of August 29, 2013 to be outside the scope of this proceeding.
2. NRG and IGPC shall file written responses to all interrogatories received from parties and Board Staff on or before **Monday, October 28, 2013**.

The remaining procedural steps have been separated for the two proceedings combined by the Board, EB-2012-0406 and EB-2013-0081:

EB-2012-0406 – Request by IGPC for service under Section 42(3) of the Act (Issue #1)

3. IGPC shall file its argument-in-chief with the Board and serve it on all parties on or before **Monday, November 4, 2013**.
4. NRG and Board staff shall file written arguments with the Board and serve it on all parties on or before **Monday, November 11, 2013**.
5. IGPC shall file its reply with the Board and serve it on all parties on or before **Monday, November 18, 2013**.

EB-2013-0081 (Issues 2, 3, 4 and 5)

6. NRG, IGPC and Board staff shall file written argument on issues 2, 3, 4 and 5, and file it with the Board and serve it on all parties on or before **Thursday, November 7, 2013**.
7. NRG and IGPC may file a reply to the written submissions if they wish to do so and file it with the Board and serve it on all parties on or before **Thursday, November 14, 2013**.

All filings to the Board must quote the file number, EB-2012-0406/EB-2013-0081 and be made through the Board's web portal 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. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. 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 7 paper copies.

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.

ADDRESS

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

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto October 11, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary