



EB-2014-0183

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF a Motion to Review and Vary by
Council of Canadians pursuant to the Ontario Energy
Board's *Rules of Practice and Procedure* for a review of the
Board's Decision and Order on Cost Awards in the
combined proceeding EB-2012-0451, EB-2012-0433 and
EB-2013-0074.

**NOTICE OF MOTION TO REVIEW AND VARY
AND PROCEDURAL ORDER NO. 1**

May 15, 2014

BACKGROUND

On March 31, 2014, the Board issued its Decision and Order on Cost Awards (EB-2012-0451/EB-2012-0433/EB-2013-0074) in relation to applications by Union Gas Limited ("Union") and Enbridge Gas Distribution Inc. ("Enbridge") for constructing major system expansion projects. These applications were heard by the Board in a combined proceeding. On April 17, 2014 the Council of Canadians ("COC") filed a Notice of Motion (the "Motion") with the Board requesting that the Board review and vary its Decision on Cost Awards (the "Decision") to permit that COC recover its full costs claim for its participation in the proceedings. The grounds for the motion are that the Board made errors of fact in making its Cost Award in respect of the COC which call into question the correctness of its Decision. The Board has assigned the Motion file number EB-2014-0183.

THRESHOLD QUESTION

The Board has determined that before considering the merits of the Motion, it will first consider the threshold issue of whether the matter should be reviewed pursuant to section 45.01 of the Board's *Rules of Practices and Procedure* (the "Rules"). Under Rule 45.01, the Board may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits.

The Board seeks submissions with respect to the threshold question as to whether the Motion should be reviewed on its merits.

The Board considers it necessary to make provisions for the following procedural matters related to this proceeding. Following a determination on the threshold question, the Board will issue a decision and a procedural order outlining any further procedural steps as required.

THE BOARD ORDERS THAT:

1. COC shall immediately serve on Union and Enbridge a copy of this Notice of Motion to Review and Vary and Procedural Order No. 1 along with a copy of the Motion filed by COC, including all attachments.
2. COC may file a submission with the Board on the threshold question on or before May 23, 2014.
3. Board staff, Union and Enbridge may file any submissions on the threshold question on or before May 30, 2014.
4. COC may file with the Board its reply submission on the threshold question on or before June 6, 2014.

All filings to the Board must quote file number **EB-2014-0183**. The electronic copy of the documents may be submitted by email to the Board Secretary at BoardSec@ontarioenergyboard.ca. If you do not have internet access you are required to submit the electronic copy on a CD. All electronic filings are to be in searchable/unprotected PDF format. 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
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings: www.pes.ontarioenergyboard.ca/eservice/

E-mail: boardsec@ontarioenergyboard.ca

Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, May 15, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary