



EB-2006-0253

**APPLICATION BY UNION GAS LIMITED FOR
AUTHORITY TO EXPROPRIATE CERTAIN LAND RIGHTS FOR THE PURPOSE OF
CONSTRUCTING A PIPELINE FOR THE TRANSMISSION OF NATURAL GAS**

NOTICE OF APPLICATION

Union Gas Limited ("Union" or the "Applicant") has filed an application, dated October 19, 2006, with the Ontario Energy Board (the "Board") under section 99 of the *Ontario Energy Board Act*, 1998, for approval to expropriate lands. On June 12, 2005 Union was granted an order of the Board (file number EB-2005-0550) for leave to construct a natural gas pipeline along with associated facilities. The pipeline consists of the construction of 18.1 kilometres of 48 inch diameter steel natural gas pipeline within the County of Middlesex. The construction of the proposed pipeline will allow Union to increase the capacity of the Trafalgar gas transmission system to meet the increasing gas requirements for current and future customers.

The approved pipeline will proceed from the existing Strathroy Gate Station, located in Lot 9, Concession IX, Township of Strathroy-Caradoc to the existing Lobo Station, located in Lot 14, Concession VII, Township of Middlesex Centre, all in the County of Middlesex. At the time of filing this application Union has been unable to acquire the necessary easement rights on lands owned by G. E. Skinner. Union is now seeking the approval of the Board to expropriate permanent and temporary working easement rights on the land of G. E. Skinner in the Township of Strathroy-Caradoc, County of Middlesex. A description of the lands and a reference plan of survey which identifies the lands are attached to Union's application and attached as Appendix "A".

This is an application for an authority to expropriate land for the purpose of a natural gas pipeline, not an application dealing with compensation. The Board may, if it is of the opinion that it is in the public interest, grant the authority to expropriate the land.

However, the Board does not have the authority to determine the amount of compensation payable. If the authority to expropriate is granted and the parties do not agree upon compensation, the amount shall be determined under the *Expropriations Act*.

How to Participate

If you have an interest in any of the lands which are the subject matter of this application you may become intervenor in this proceeding. If you wish to participate in this proceeding you must send a letter of intervention to the Board Secretary within **10 calendar days** of the receipt of this Notice. Information on how to participate may be obtained by calling the Board's Customer Service Centre toll free at 1-877-632-2727, by email to Boardsec@oeb.gov.on.ca or from the frequently asked questions (FAQ) section of the Board's web site at www.oeb.gov.on.ca. A copy of your submission must also be sent to the applicant.

The Board may proceed in this matter by way of written hearing or oral hearing. However, the Board will not hold a written hearing if a party satisfies the Board that there is a good reason to hold an oral hearing. If you wish to make a submission regarding whether the hearing should be oral or written, you must make this submission to the Board Secretary within **10 calendar days** of the receipt of this notice or as part of your letter of intervention.

Procedural orders as to how the matter will proceed may be issued by the Board from time to time, and copies of any procedural orders will be sent to Union and all the intervenors and observers in the proceeding.

ADDRESSES

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

Attention: Kirsten Walli
Board Secretary

Tel: 1-888-632-6273
Fax: 416-440-7656
Email: BoardSec@oeb.gov.on.ca

Counsel for the Applicant
Blake, Cassels & Graydon LLP
Box 25, Commerce Court West
199 Bay Street
Toronto ON M5L 1A9

Attention: Gerald S. Swinkin

Tel: 416-863-5845
Fax: 416-863-2653
Email: Gerald.swinkin@blakes.com

Union Gas Limited
50 Keil Drive North
Chatham ON N7M 5M1

Attention: William T. Wachsmuth
Administrator Regulatory Projects

Tel: 519-436-5457
Fax: 519-436-4641
Email: bwachsmuth@duke-energy.com

DATED at Toronto, November 2, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter O'Dell
Assistant Board Secretary

Appendix “A”

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Application and Survey

Schedule 6

Owner

George E. Skinner

Part Lots 1 and 2, Concession 7, Geographic Township of Lobo
Township of Middlesex Centre, County of Middlesex

Easement Rights Required by Expropriation

Permanent Easement rights required through Parts 1, 2 and 3
Monteith and Sutherland Plan File No. F-5529-7(E)

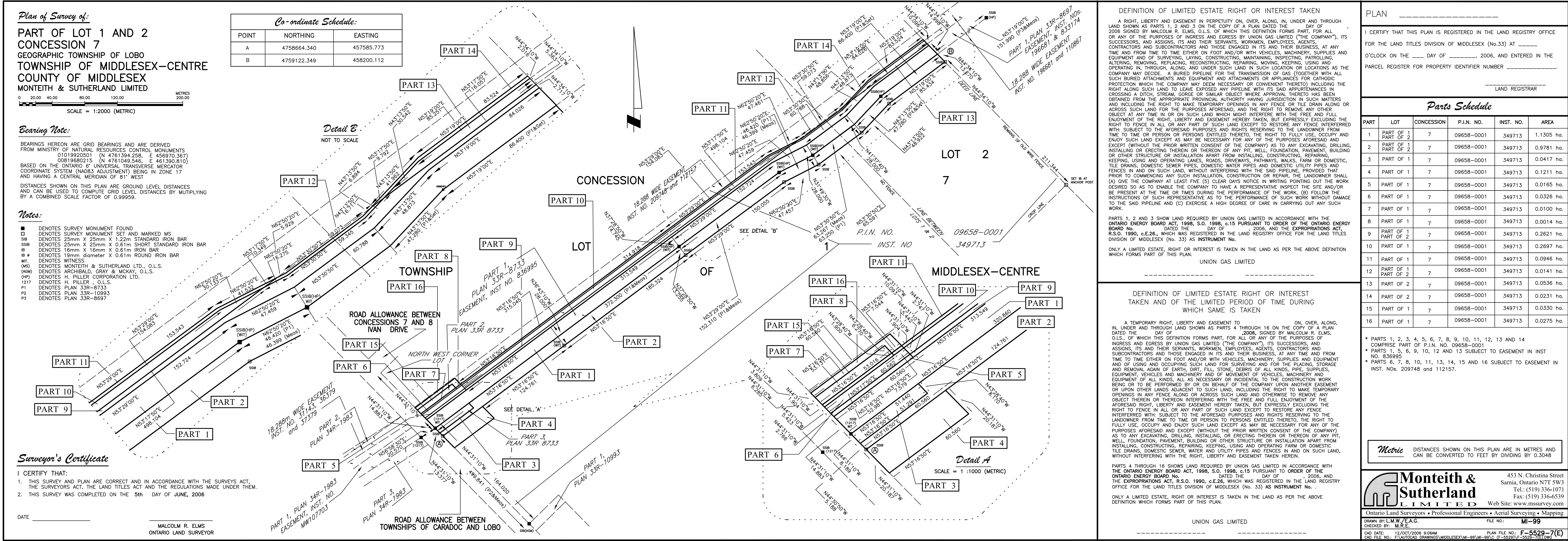
Temporary Easement rights required through Parts 4 to 16, both inclusive
Monteith and Sutherland Plan File No. F-5529-7(E)

Land Registry Office Parcel Reference

PIN Parcel 09658-0001

Encumbrances

Nil



DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN

A RIGHT, LIBERTY AND EASEMENT IN PERPETUITY ON, OVER, ALONG, IN, UNDER AND THROUGH LAND SHOWN AS PARTS 1, 2 AND 3 ON THE COPY OF A PLAN DATED THE _____ DAY OF _____, 2006, SIGNED BY MALCOLM R. ELMS, O.L.S. OF WHICH THIS DEFINITION FORMS PART, FOR ALL OR ANY OF THE PURPOSES OF INGRESS AND EGRESS BY UNION GAS LIMITED ("THE COMPANY"), ITS SUCCESSORS, AND ASSIGNS, ITS AND THEIR SERVANTS, WORKMEN, EMPLOYEES, AGENTS, CONTRACTORS AND SUBCONTRACTORS AND THOSE ENGAGED IN ITS AND THEIR BUSINESS, AT ANY TIME AND FROM TIME TO TIME EITHER ON FOOT AND/OR WITH VEHICLES, MACHINERY, SUPPLIES AND EQUIPMENT AND OF SURVEYING, LAYING, CONSTRUCTING, MAINTAINING, INSPECTING, PATROLLING, ALTERING, REMOVING, REPLACING, RECONSTRUCTING, REPAIRING, MOVING, KEEPING, USING AND OPERATING IN, THROUGH, ALONG, AND UNDER SUCH LAND IN SUCH LOCATION OR LOCATIONS AS THE COMPANY MAY DECIDE, A BURIED PIPELINE FOR THE TRANSMISSION OF GAS TOGETHER WITH ALL SUCH BURIED ATTACHMENTS AND EQUIPMENT AND ATTACHMENTS OF APPLIANCES FOR CHANGING PRESSURE, A OTHER VERTICAL OPENING OR SIMILAR OBJECT WHICH APPROXIMATELY HAVING BEEN OBTAINED FROM THE APPROPRIATE PROVINCIAL AUTHORITY HAVING JURISDICTION IN SUCH MATTERS AND INCLUDING THE RIGHT TO MAKE TEMPORARY OPENINGS IN ANY FENCE OR FUEL DRAIN ALONG OR ACROSS SUCH LAND FOR THE PURPOSES AFORESAID, AND THE RIGHT TO REMOVE ANY OTHER OBJECT AT ANY TIME IN OR ON SUCH LAND WHICH MIGHT INTERFERE WITH THE FREE AND FULL ENJOYMENT OF THE RIGHT, LIBERTY AND EASEMENT HEREBY TAKEN, BUT EXPRESSLY EXCLUDING THE RIGHT TO FENCE IN ALL OR ANY PART OF SUCH LAND EXCEPT TO RESTORE ANY FENCE INTERFERED WITH, SUBJECT TO THE AFORESAID PURPOSES AND RIGHTS RESERVING TO THE LANDOWNER FROM TIME TO TIME OR PERSON OR PERSONS ENTITLED HERETO, THE RIGHT TO FULLY USE, OCCUPY AND ENJOY SUCH LAND EXCEPT AS MAY BE NECESSARY FOR ANY OF THE PURPOSES AFORESAID AND EXCEPT (WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMPANY) AS TO ANY EXCAVATING, DRILLING, INSTALLING OR ERECTING THEREON OR THEREIN OF ANY WELL, FOUNDATION, CONSTRUCTION, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING THEREON OR THEREIN OF ANY WELL, FOUNDATION, CONSTRUCTION, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING FARM OR DOMESTIC TILE DRAINS, DOMESTIC SEWER PIPES, DOMESTIC WATER PIPES AND DOMESTIC UTILITY PIPES AND FENCES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE SAID PIPELINE, PROVIDED THAT PRIOR TO COMMENCING ANY SUCH INSTALLATION, CONSTRUCTION OR REPAIR, THE LANDOWNER SHALL (A) GIVE THE COMPANY AT LEAST FIVE (5) CLEAR DAYS NOTICE IN WRITING POINTING OUT THE WORK DESIRED SO AS TO ENABLE THE COMPANY TO HAVE A REPRESENTATIVE INSPECT THE SITE AND/OR BE PRESENT AT THE TIME OR TIMES DURING THE PERFORMANCE OF THE WORK, (B) FOLLOW THE INSTRUCTIONS OF SUCH REPRESENTATIVE AS TO THE PERFORMANCE OF SUCH WORK WITHOUT DAMAGE TO THE SAID PIPELINE AND (C) EXERCISE A HIGH DEGREE OF CARE IN CARRYING OUT ANY SUCH WORK.

PARTS 1, 2 AND 3 SHOW LAND REQUIRED BY UNION GAS LIMITED IN ACCORDANCE WITH THE ONTARIO ENERGY BOARD ACT, 1998, S.O. 1998, c.15 PURSUANT TO ORDER OF THE ONTARIO ENERGY BOARD NO. 1998-0-026, WHICH WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 33) AS INSTRUMENT NO. _____

ONLY A LIMITED ESTATE RIGHT OR INTEREST IS TAKEN IN THE LAND AS PER THE ABOVE DEFINITION WHICH FORMS PART OF THIS PLAN.

UNION GAS LIMITED

DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN AND OF THE LIMITED PERIOD OF TIME DURING WHICH SAME IS TAKEN

A TEMPORARY RIGHT, LIBERTY AND EASEMENT TO, ON, OVER, ALONG, IN, UNDER AND THROUGH LAND SHOWN AS PARTS 4 THROUGH 16 ON THE COPY OF A PLAN DATED THE _____ DAY OF _____, 2006, SIGNED BY MALCOLM R. ELMS, O.L.S. OF WHICH THIS DEFINITION FORMS PART, FOR ALL OR ANY OF THE PURPOSES OF INGRESS AND EGRESS BY UNION GAS LIMITED ("THE COMPANY"), ITS SUCCESSORS, AND ASSIGNS, ITS AND THEIR SERVANTS, WORKMEN, EMPLOYEES, AGENTS, CONTRACTORS AND SUBCONTRACTORS AND THOSE ENGAGED IN ITS AND THEIR BUSINESS, AT ANY TIME AND FROM TIME TO TIME EITHER ON FOOT AND/OR WITH VEHICLES, MACHINERY, SUPPLIES AND EQUIPMENT AND OF USING AND OCCUPYING SUCH LAND FOR SURVEYING AND FOR THE PLACING, STORAGE AND REMOVAL AGAIN OF EARTH, DIRT, FILL, STONE, DEBRIS OF ALL KINDS, PIPE, SUPPLIES, EQUIPMENT, VEHICLES AND MACHINERY AND OF MOVEMENT OF VEHICLES, MACHINERY AND EQUIPMENT OF ALL KINDS, ALL AS NECESSARY OR INCIDENTAL TO THE CONSTRUCTION WORK BEING OR TO BE PERFORMED BY OR ON BEHALF OF THE COMPANY UPON ANOTHER EASEMENT OR UPON OTHER LANDS ADJACENT TO SUCH LAND, INCLUDING THE RIGHT TO MAKE TEMPORARY OPENINGS IN ANY FENCE ALONG OR ACROSS SUCH LAND AND OTHERWISE TO REMOVE ANY OBJECT THEREON OR THEREIN INTERFERING WITH THE FREE AND FULL ENJOYMENT OF THE AFORESAID RIGHT, LIBERTY AND EASEMENT HEREBY TAKEN, BUT EXPRESSLY EXCLUDING THE RIGHT TO FENCE IN ALL OR ANY PART OF SUCH LAND EXCEPT TO RESTORE ANY FENCE INTERFERED WITH, SUBJECT TO THE AFORESAID PURPOSES AND RIGHTS RESERVING TO THE LANDOWNER FROM TIME TO TIME OR PERSON TO PERSONS ENTITLED HERETO, THE RIGHT TO FULLY USE, OCCUPY AND ENJOY SUCH LAND EXCEPT AS MAY BE NECESSARY FOR ANY OF THE PURPOSES AFORESAID AND EXCEPT (WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMPANY) AS TO ANY EXCAVATING, DRILLING, INSTALLING OR ERECTING THEREON OR THEREIN OF ANY WELL, FOUNDATION, CONSTRUCTION, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING FARM OR DOMESTIC TILE DRAINS, DOMESTIC SEWER PIPES, DOMESTIC WATER PIPES AND DOMESTIC UTILITY PIPES AND FENCES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE RIGHT, LIBERTY AND EASEMENT TAKEN HEREIN.

PARTS 4 THROUGH 16 SHOWS LAND REQUIRED BY UNION GAS LIMITED IN ACCORDANCE WITH THE ONTARIO ENERGY BOARD ACT, 1998, S.O. 1998, c.15 PURSUANT TO ORDER OF THE ONTARIO ENERGY BOARD NO. 1998-0-026, WHICH WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 33) AS INSTRUMENT NO. _____

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