

EB-2006-0057

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

AND IN THE MATTER OF an Application by Union Gas Limited for an order or orders amending or varying the rate or rates charged to customers as of July 1, 2006;

NOTICE OF WRITTEN HEARING AND PROCEDURAL ORDER NO. 1

Union Gas Limited ("Union") filed an application (the "Application") on April 7, 2006 with the Ontario Energy Board (the "Board") seeking approval for final disposition and recovery of certain 2005 year-end deferral account balances and the 2005 year-end earnings sharing amount. Union also proposes that the impacts which result from the disposition of 2005 deferral account balances and 2005 earnings sharing, be implemented on July 1, 2006 to align with other potential rate changes expected to result from the July QRAM proceeding.

In RP-2003-0063, by Reasons for Decision dated March 18, 2004, the Board approved the creation or continuation of certain deferral accounts. Union's board-approved gas supply and non-gas supply deferral accounts are:

2005 Gas Supply Related Deferral Accounts

Union is seeking approval of final disposition of year-end balances for the gas cost related deferral accounts that are prospectively recovered through the QRAM process. For these accounts, the recovery of the year-end deferral account balances will be managed through the QRAM process. These accounts are:

| Account | Account Description |
|-----------|---|
| No | |
| (179-105) | North Purchased Gas Variance Account |
| (179-100) | CPL Tolls and Fuel – Northern and Eastern Operations Area |
| (179-106) | South Purchased Gas Variance Account |
| (179-109) | Inventory Revaluation Account |
| (179-107) | Spot Gas Variance Account |

There are two gas supply deferral accounts that are not recovered through the QRAM process. For these accounts Union is seeking approval of the final disposition and recovery of the year-end balances. These are:

| Account | Account Description | Balance |
|-----------|---|-----------------|
| No | | (end Dec 2005) |
| (179-89) | Heating Value Deferral Account | \$2.709m credit |
| (179-108) | Unabsorbed Demand Cost Deferral Account | \$1.888m credit |

Storage and Transportation Related Deferral Accounts

The storage and transportation related deferral accounts are:

| Account | Account Description | Balance (end Dec | 2005) |
|----------|--------------------------------------|------------------|------------|
| No | | | |
| (179-69) | Transportation and Exchange Services | \$3.404m credit | |
| | Deferral Account | | |
| (179-70) | Short Term Storage and Other | \$6.708m credit | \$10.152m |
| | Balancing Services Deferral Account | | - credit |
| (179-72) | Long Term Peak Storage Services | (\$1.135m) debit | (ratepayer |
| | Deferral Account | | portion) |
| (179-73) | Other S&T Services Deferral Account | \$0.427m credit | portion |
| (179-74) | Other Direct Purchase Services | \$0.749m credit | |
| | Deferral Account | | |

Other Deferral Account

The other deferral accounts are:

| Account | Account Description | Balance | |
|-----------|--|---------------|-------------|
| No | | (end Dec 2005 | 5) |
| (179-26) | Deferred Customer Rebates/Charges | \$0 | |
| | Account | | |
| (179-56) | Comprehensive Customer Information | \$0 | |
| | Program Account | | |
| (179-60) | Direct Purchase Revenue and Payments | \$1.527m | |
| | Deferral Account | credit | |
| (179-75) | Lost Revenue Adjustment Mechanism | (\$1.746m) | |
| | Deferral Account | debit | |
| (179-102) | Intra-period WACOG Deferral Account | (\$6.742m) | |
| | | debit | |
| (179-103) | Unbundled Services Unauthorized Storage | \$0 | |
| | Overrun Account | | Total |
| (179-110) | Storage Rights Compensation Costs | (\$0.502m) | (\$16.116m) |
| | Deferral Account | debit | debit |
| (179-111) | Demand Side Management Variance | (\$3.305m) | debit |
| | Account | debit | |
| (179-112) | Deferred Gas Distribution Access Rule | Not | |
| | Costs | available | |
| (179-113) | Late Payment Litigation Deferral Account | (\$0.783m) | |
| | | debit | |
| (179-114 | Incremental OEB Cost Assessment | (\$2.241m) | |
| | Deferral Account | debit | |
| (179-115) | Shared Savings Mechanism Variance | \$2.957m | |
| | Account | credit | |
| (179-116) | Interest on the Gain on the 2004 Cushion | Not | |
| | Gas Disposition | available | |

2005 Earnings Sharing

In EB-2004-0480, by Reasons for Decision and Rate Order dated December 15, 2004, the Board directed that Union would be subject to a 50:50 earnings sharing mechanism with no deadband for its 2005 fiscal year. In EB-2005-0189, by Decision and Order dated March 18, 2005, the Board specified that the rate of return on common equity for 2005 would be 9.63% for purposes of calculating any excess earnings. Union's earnings subject to the earnings sharing mechanism for 2005 were \$117.458 million. For 2005, the benchmark Return on Equity ("ROE") was 9.63%. The ROE calculated for 2005 earnings on actual average common equity was 10.58%. Therefore, the variance to be shared between ratepayers and shareholders was 0.95%, producing a ratepayer share of Union pre-tax earnings of \$8.281 million. Union is proposing to allocate the 2005 earnings sharing to all rate classes based on the allocation of the 2004 Board approved return on equity.

Union has provided written evidence in support of the proposed changes and the Application has been given Board File No. EB-2006-0057. The Application and the prefiled evidence were sent by Union to all Intervenors of record in the EB-2005-0520 proceeding. All intervenors in EB-2005-0520 and also in EB-2005-0211, the previous proceeding dealing with dispositions, shall be considered intervenors for this proceeding.

WRITTEN HEARING

The Board intends to proceed in this matter by way of a written hearing unless any party provides a good reason why it should proceed by way of an oral hearing. A list of preapproved Intervenors is attached as Appendix "A" to this order and consists of all participants in the previous disposition proceeding EB-2005-0211 and to all participants in the current Union rate hearing EB-2005-0520. Listed parties who do not wish to participate in the current proceeding may so advise the Board.

THE BOARD THEREFORE ORDERS THAT:

1. Union shall immediately issue a copy of the application to all intervenors listed in Appendix A, if they have not already been served, and shall provide affidavit proof of all deliveries to the Board.

- 2. Intervenors and Board staff who wish information and material from Union that is in addition to the evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Company on or before Friday, May 26, 2006.
- 3. Union shall file with the Board complete responses to the interrogatories and deliver them to the Intervenors no later than Monday, June 5, 2006.
- 4. Union may, if it wishes, file with the Board its argument-in-chief and deliver it to the Intervenors no later than Friday, June 9, 2006.
- 5. Argument with respect to all issues shall be filed with the Board by Intervenors on or before Friday, June 23, 2006 and shall be served simultaneously on Union and other Intervenors.
- 6. Reply argument of the applicant shall be filed with the Board on or before Friday, June 30, 2006 and shall be simultaneously served on Intervenors.
- 7. All filings with the Board noted in the Order must be in the form of 10 hard copies and must be received by the Board by 4:45 p.m. on the stated date. The Board requires all correspondence to be in electronic form as well as paper. Therefore, all parties must also e-mail an electronic copy of their filings in MS Word and searchable PDF format to the Board Secretary at Boardsec@oeb.gov.on.ca. Parties must also include the Case Manager, Edik Zwarenstein edik.zwarenstein@oeb.gov.on.ca, Board Staff Colin Schuch colin.schuch@oeb.gov.on.ca and Board Counsel Michael Millar Michael.Millar@oeb.gov.on.ca on all electronic correspondence related to this case.

ISSUED at Toronto May 16, 2006 ONTARIO ENERGY BOARD

Original Signed by

Peter H. O'Dell Assistant Board Secretary

Appendix "A" to

Notice of Written Hearing and Procedural Order No. 1

EB-2006-0057

Appendix "A"

UNION GAS LIMITED 2007 Rates EB-2005-0520 APPLICANT & LIST OF INTERVENTIONS

Last Update: April 27, 2006

| | | Last Update: April 27, 2006 |
|----|-----------------------|--|
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| | And | Bryan Goulden Manager, Regulatory Applications Union Gas Limited 50 Keil Drive North Chatham, Ontario N7M 5M1 Tel: 1 519 436 4515 Fax: 1 519 436 4641 e-mail: bgoulden@uniongas.com |
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| | Intervenors | Addresses for Service |
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