



EB-2007-0599

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, pursuant to section 36 of the *Ontario Energy Board Act*, 1998, for an order or orders approving the rate or rates charged to gas vendors for Invoice Vendor Adjustment fee as of June 1, 2007;

NOTICE OF WRITTEN HEARING AND PROCEDURAL ORDER NO. 1

Union Gas Limited ("Union") filed an application on April 4, 2007 (the "Application") with the Ontario Energy Board ("Board") under section 36 of the *Ontario Energy Board Act*, 1998, S.O. c.15, Sched. B, for an order of the Board approving the rate or rates charged to gas vendors for Invoice Vendor Adjustments ("IVA"), effective June 1, 2007. Union's Application has been given Board File No. EB-2007-0599.

The Board in its Decision dated November 15, 2005 (Board File No. RP-2000-0001) ruled that in the interim, gas distributors are required to offer a form of rate-ready Distributor Consolidated Billing that features IVA functionality. IVA functionality provides gas vendors with the ability to make billing adjustments (e.g. correct billing errors and/or process rebates) through an additional line as part of the existing rate-ready form of Distributor Consolidated Billing. In its Decision the Board also deferred the implementation of Phase I of the Gas Distribution Access Rule ("GDAR") to January 1, 2007 and Phase II to January 1, 2008. Subsequently, by Notice of Amendment to GDAR dated September 29, 2006, the Board further deferred implementation of Phase I of GDAR to June 1, 2007.

In response to the Board's ruling, Union is seeking Board approval to charge gas vendors a flat fee of \$1.85, effective June 1, 2007, for each successfully submitted IVA transaction.

Union has provided written evidence in support of the proposed charge as part of its Application. The Application was sent by Union to all Intervenor of record in the EB-2005-0520 proceeding and the GDAR Phase I Working Group Participants.

Written Hearing

The Board intends to proceed in this matter by way of a written hearing. The Board will consider reasons provided by any party as to why it should proceed by way of an oral hearing.

How to Participate

The Board will make all intervenors in EB-2005-0520 intervenors in this proceeding. If you are not automatically an intervenor, you may participate in one of three ways:

You may send the Board a letter of comment. Your letter must be received no later than 10 days from the date of service of this Notice and Procedural Order No. 1.

You may request observer status in order to receive documents issued by the Board in the proceeding. Your request must be made by letter received by the Board no later than 10 days from the date of service of this Notice and Procedural Order No. 1.

You may request intervenor status if you wish to actively participate in the proceeding. Your request must be made by letter of intervention. Details regarding requests for intervenor status are set out below.

Cost Awards

The Board may order costs in this proceeding. Intervenor will need to indicate whether they expect to seek costs from the applicant and the grounds for their eligibility for costs.

THE BOARD THEREFORE ORDERS THAT:

1. The Board adopts the intervenors in EB-2005-0520 as intervenors in this proceeding. Union shall immediately serve a copy of the Application and this Notice and Procedural Order No. 1 to all intervenors in EB-2005-0520. Union shall also serve a copy of the application and Notice and Procedural Order No. 1

to all participants in the GDAR Phase I Working Group, who are not on the EB-2005-0520 intervenor list. Union shall provide affidavit of proof of all deliveries to the Board.

2. A party which is not already an intervenor may request intervenor status if it wishes to actively participate in the proceeding. Requests must be made by letter of intervention received by the Board Secretary and copied to Union, no later than Monday, April 30, 2007. Your letter of intervention must include a description of how you are, or may be, affected by the proceeding; and if you represent a group, a description of the group and its membership. If you object to proceeding by way of written hearing, your letter of intervention should indicate the reasons for your objection. If any such objections are received by the Board, the Board may amend the deadlines below.
3. The Board may order costs in this proceeding. Any party that expects to seek costs in this proceeding shall file a letter with the Board and copy Union no later than Monday, April 30, 2007. The Board will issue details with respect to the filing of cost claims at a later date. Union will be ordered to pay any cost awards for this proceeding.
4. A technical conference will be held on Wednesday, May 9, 2007 to provide Union with the opportunity to answer questions on the application and for all participants to obtain further clarification of the evidence. Intervenors and Board staff should file any questions with respect to the evidence, with the Board Secretary and Union by Friday, May 4, 2007. The technical conference will be transcribed and the transcript will form part of the record of this proceeding. This technical conference replaces the interrogatory process.
5. If Union is unable to provide a complete and satisfactory answer to questions raised, a participant may seek an undertaking from Union to provide a written response to such questions. Union shall file written responses with the Board and provide copies to all intervenors on or before Thursday, May 10, 2007.
6. A settlement conference will be convened on Friday May 11, 2007, at 9:00 a.m. at the Board offices 2300 Yonge Street, with the objective of reaching a settlement among the intervenors.

7. Any settlement proposal arising from the settlement conference shall indicate not only the matters settled, but a detailed evidentiary basis for the settlement and the reasons for the settlement. The settlement proposal shall be filed with the Board by Tuesday, May 15, 2007.
8. 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 4:30 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, Rudra Mukherji Rudra.Mukherji@oeb.gov.on.ca on all electronic correspondence related to this case.

IMPORTANT: If you do not file any comments in response to this notice, the Board may proceed without your participation and you will not be entitled to any further notice of these proceedings.

ISSUED at Toronto April 19, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O' Dell
Assistant Board Secretary