



EB-2005-0201

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 Union Gas Limited, pursuant to subsection 90(1), for an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities in the Township of Brooke-Alvinston, the Township of Adelaide-Metcalf and the Township of Strathroy-Caradoc and in the City of Hamilton, the City of Burlington and the Town of Milton.

PROCEDURAL ORDER NO. 1

An application dated February 8, 2005 (the Application) has been filed by Union Gas Limited (Union) with the Ontario Energy Board (the Board) under section 90 of the *Ontario Energy Board Act, 1998* seeking an Order or Orders of the Board granting leave to construct two sections of natural gas pipeline along with associated compressor station modifications. The Application has been assigned Board File No. EB-2005-0201.

The proposed facilities will be constructed, owned and operated by Union. Construction is planned to commence in Spring 2006. The planned in-service date is winter 2006.

The proposed facilities consist of the construction of 18.2 kilometres of 48 inch diameter steel natural gas pipeline in the Counties of Lambton and Middlesex and 17.1 kilometres of 48 inch diameter steel natural gas pipeline in the City of Hamilton and the Region of Halton. In addition to the construction of the two pipelines, Union will upgrade the existing Parkway compressor and install further compression at its Dawn compressor station. Construction of the proposed facilities will allow Union to increase

capacity of the Trafalgar gas transmission system to meet the increasing gas requirements of current and future customers.

The Board issued a Notice of Application on March 1, 2005. Union served and published the Notice as directed by the Board. The last date for intervention was March 23, 2005. The list of registered intervenors with the addresses and contact information is attached.

The Board received written submissions by the parties objecting to a written hearing. Upon considering these submissions the Board decided to proceed by a way of oral hearing. The oral hearing is tentatively scheduled to commence during the week of June 27, 2005.

The order requested in this application is for leave to construct transmission pipeline facilities. The scope of the Board's review in this proceeding will include the need for the proposed expansion, proposed facilities design, project cost and economics, construction, environmental and land-related matters.

The evidence filed in support of the application refers to a binding open season process to determine market interest in Trafalgar system capacity. The binding open season process led to a number of contracts between Union and the successful bidders. The Board will consider these contracts when reviewing the need for the proposed expansion. However, services that Union would provide utilizing the proposed facilities, rates and contractual terms for these services and transportation capacity allocation are policy issues beyond the scope of a leave to construct proceeding and as such may be more appropriately dealt by the Board in a generic policy process.

The Board may issue further Procedural Orders from time to time. The Board considers it necessary to make provision for the following items related to the Application.

THE BOARD ORDERS THAT:

1. The Board intends to proceed by the way of oral hearing.

2. An Intervenor or Board staff who wishes information and material that is in addition to the Applicant's evidence, and that is relevant to the hearing, shall request the same by written interrogatories filed with the Board and delivered to the Intervenors and the Applicant on or before Friday, April 29, 2005.
3. Responses by the Applicant to the interrogatories shall be filed with the Board and delivered to the Intervenors on or before Friday, May 13, 2005.
4. Intervenors wishing to file any evidence related to the Application shall file this evidence with the Board and deliver to all the Intervenors on or before Friday, May 20, 2005.
5. Written interrogatories on Intervenors' evidence, shall be filed with the Board and delivered to all Intervenors on or before Monday, May 31, 2005.
6. Responses to the interrogatories on Intervenors' evidence shall be filed with the Board and delivered to the Intervenors on or before Monday, June 13, 2005.
7. All interrogatories must include a reference to the section which identifies the specific evidence on which the interrogatory is based.
8. All filings to the Board noted in this Order must be in the form of **9 hard copies and must be received by the Board by 4:45 p.m.** on the stated dates. The Board requests that all parties also submit an electronic copy of their filings.

ISSUED at Toronto, April 14, 2005.

ONTARIO ENERGY BOARD

Peter H. O'Dell
Assistant Board Secretary