



EB-2014-0012

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 section 36(1) of the *Ontario Energy Board Act, 1998*, for an order or orders approving rates and other charges for an interruptible natural gas liquefaction service.

PROCEDURAL ORDER NO. 3

Union Gas Limited ("Union") filed an application on May 16, 2014 with the Ontario Energy Board (the "Board") pursuant to section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Schedule B, for an order or orders approving a new interruptible natural gas liquefaction service. The Board assigned file number EB-2014-0012 to the Application.

Union has proposed to provide the new service at its Liquefied Natural Gas ("LNG") facility at Hagar, Ontario to provide LNG to wholesale distributors for use as motor vehicle fuel. Union has requested a new Rate L1 rate schedule and a cost-based rate to provide the service at Hagar.

The Board issued a Notice of Application and Hearing on June 6, 2014. In Procedural Order No. 1 issued on July 8, 2014, the Board set dates for filing interrogatories and responses to interrogatories.

Northeast Midstream LP ("Northeast") filed a letter dated September 18, 2014, advising the Board that it intended to file a motion pursuant to section 29(1) of the *Ontario Energy Board Act*. Northeast noted that its motion would seek an Order prohibiting the approval of any rate for Union's liquefaction service at Hagar.

Northeast submitted that Union was seeking to enter a competitive market through this Application.

Northeast stated that it would file the motion by October 15, 2014 and sought the Board's guidance with respect to the next steps in the proceeding. Northeast further requested the Board to hear its motion at the outset of the oral hearing scheduled for October 27 and 28, 2014, as per Procedural Order No.2.

Union filed a letter on September 23, 2014, stating that a motion under section 29(1) was ill-founded and that the motion should not be permitted to delay the commencement of the proceeding. Union further submitted that the motion should be addressed through a written proceeding and should provide Union sufficient time to file a reply to the motion.

Canadian Manufacturers and Exporters filed a letter dated September 24, 2014, supporting Northeast's request to have the motion heard orally as compared to the written process suggested by Union.

Northeast filed a second letter dated September 24, 2014 in response to Union's letter of September 23rd, noting that Northeast had never appeared before the Board prior to this proceeding and it had incurred substantial costs to intervene in the Application. Accordingly, its request for additional time to file the motion was not unreasonable under the circumstances. Northeast also did not object to giving adequate time to Union to file its reply to the motion.

The Board will schedule procedural steps for the motion as requested by Northeast.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

1. Northeast must file its notice of motion, motion record, and all supporting evidence with the Board and deliver it to all other parties on or before **October 15, 2014**.
2. Parties must inform the Board within **7 calendar days** of Northeast filing its motion if they intend to file responding evidence.

The Board will determine the next steps based on the information received from the parties.

All filings to the Board must quote the file number, EB-2014-0012, be made electronically in searchable / unrestricted PDF format through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/> . Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto October 6, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary