



EB-2006-0004
EB-2006-0017

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 for an Order pursuant to Section 90(1) of the *Ontario Energy Board Act, 1998*, granting leave to construct a natural gas pipeline and ancillary facilities in Gorham Township and the City of Thunder Bay.

AND IN THE MATTER OF an application by Union Gas Limited for an Certificate of Public Convenience and Necessity, pursuant to Section 8 of the *Municipal Franchises Act* for Gorham Township.

PROCEDURAL ORDER NO. 3 (Revised)

Union Gas Limited ("Union") filed an application with the Ontario Energy Board (the "Board") dated January 17, 2006, under section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B). Union has applied for an order of the Board granting leave to construct approximately 29 kilometres of 12 inch diameter steel natural gas pipeline in Gorham Township and the City of Thunder Bay. The proposed pipeline will proceed from the existing TransCanada Pipeline Thunder Bay Metering Station located at Concession 4, Lot 6 in Gorham Township to the Ontario Power Generation Customer Station located on Mission Island in the City of Thunder Bay. The Board has assigned the leave to construct application File No. EB-2006-0004.

Procedural Order No. 1 required intervenors that wished to file evidence with the Board to do so by May 1, 2006. Three intervenors availed themselves of this

opportunity: the Society of Energy Professionals ("SEP"), the Power Workers' Union ("PWU"), and the City of Thunder Bay (the "City").

SEP submitted five documents as its pre-filed evidence. One of these documents, entitled "Levelized Unit Electricity Cost Comparison of Alternate Technologies for Baseload Generation in Ontario" (the "Document") was submitted by SEP in a previous case relating to a leave to construct application, RP-2005-0022. In RP-2005-0022, the applicant brought a motion to strike certain evidence filed by SEP, including the Document. As a result of this motion, the Board struck certain SEP evidence from the record on the ground that it was not relevant to the proceeding, including the Document.

The Board also struck an SEP document entitled "Ontario Supply Mix into the Future-proposals from the Society of Energy Professionals, August 26, 2005" (the "SEP Supply Mix Proposal") on the ground that it was not relevant. In the current proceeding, both the SEP and the PWU have filed the Ontario Power Authority's Supply Mix Advice Report itself. This document had not been released when the SEP filed its evidence in the RP-2005-0022 proceeding. However, it might be considered to be the successor document to the SEP Supply Mix Proposal.

The evidence filed in this proceeding is similar to evidence struck by the Board in a previous proceeding. The Board will therefore convene a motion under section 19(4) of the *Ontario Energy Board Act, 1998*, to determine if the Document and the Ontario Power Authority Supply Mix Advice Report should be excluded from this case.

The Board therefore orders as follows:

1. Any party wishing to make submissions on the issue of whether or not the Document and the Ontario Power Authority Supply Mix Advice Report should be excluded shall do so in writing to the Board by June 13, 2006.

ISSUED at Toronto, June 9, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary