

October 21, 2014

VIA EMAIL AND COURIER

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2014-0012 Union Gas Limited (“Union”) - Hagar Liquefaction Service

This letter is further to the letters delivered by Union dated October 20, 2014.

As the Board is aware, we agree with Union’s suggestion that Northeast Midstream LP’s (“Northeast”) Section 29(1) motion be heard at the outset of Union’s Application.

The Board’s Procedural Order No. 3 asked the parties to inform the Board whether they intend to file responding evidence to the evidence submitted by Northeast on October 15, 2014. It appears from Union’s correspondence that it does not intend to file evidence in response but that it intends to submit written submissions by October 23, 2014.

As set out in my letter dated September 24, 2014, Northeast proposes that the most prudent way to ensure that the written submissions filed by the parties are focused and cover all of the evidence submitted is to set a schedule for the filing of written submissions after the evidentiary record is complete. If no further evidence is to be filed in respect of the Section 29(1) motion, Northeast submits that a schedule be set for the exchange of written submissions.

While Northeast shares Union’s concern that its application not be unduly delayed, Northeast submits that the exchange of written submissions in advance of the hearing be scheduled with enough time to permit all of the parties an opportunity to consider and address those arguments and to permit the Board with sufficient time to consider the written arguments in advance of the hearing. In that regard, Northeast submits that the Board set a reasonable timetable for the exchange of written submissions in advance of the hearing of the motion.

In addition, Union has proposed that the fresh evidence it filed on October 9, 2014 in support of its application can be challenged by way of cross-examination at the return of the application. Northeast does not want the hearing of the application to be unnecessarily prolonged and would be content to proceed by way of written interrogatory if the Board so desires.

We respectfully request that any further schedule to be determined by the Board include a provision in respect of the challenge to the additional evidence filed by Union.

We thank the Board for its continued consideration of this matter.

Yours very truly,



David E. Lederman
DEL/kw

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