



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. 4

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. In Procedural Order No. 2 issued on September 10, 2014, the Board set dates for an oral hearing.

Northeast Midstream L.P. ("Northeast"), an intervenor in the proceeding, filed a letter dated September 18, 2014, advising the Board that it intended to file a motion (the "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 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 hear its Motion at the outset of the oral hearing scheduled for October 27 and 28, 2014, as per Procedural Order No.2.

The Board in Procedural Order No. 3 ordered Northeast to file all Motion materials on or before October 15, 2014, and advised other parties that they must inform the Board within 7 calendar days of Northeast filing the Motion if they intended to file responding evidence.

On October 15, 2014, Northeast filed a Notice of Motion pursuant to section 29 of the *Ontario Energy Board Act*, 1998 requesting that the Board refrain from regulating and approving the terms, conditions and rates for the interruptible natural gas liquefaction service requested by Union.

Union filed a letter on October 20, 2014 indicating that they would be filing responding materials to the Motion. Union also requested the Board hear the Motion at the outset of the hearing scheduled for October 27, 2014.

Board staff informed the Board via letter dated October 22, 2014 that they would not be filing any evidence.

Northeast further filed a letter dated October 22, 2014 proposing an alternate schedule, and requested an opportunity to reply to Union's evidence.

Union filed a reply dated October 22, 2014 objecting to the hearing schedule proposed by Northeast. Union reiterated its earlier position that the Motion be heard at the outset of the hearing scheduled for October 27, 2014.

The Board has revised the hearing dates. The Board has done so in order to allow Northeast the opportunity to file reply evidence and to allow the parties adequate time to prepare for the Motion. 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. If Northeast wishes to file evidence in response to the materials filed by Union on October 23, 2014, it shall do so, and deliver to all other parties, on or before **November 7, 2014**.
2. The oral hearing scheduled for October 27, 28 and 30, 2014 will be rescheduled. An oral hearing will be held on **November 24, 27 and December 2, 2014** at 9:30 a.m. in the Board's West Hearing Room on the 25th floor at 2300 Yonge Street, Toronto. The Board intends to hear both the Motion and the application on these days. The Board reminds all parties to ensure that their witnesses are available for cross-examination and be prepared to deliver oral arguments.

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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Khalil Viraney at Khalil.Viraney@ontarioenergyboard.ca and Board Counsel, Michael Millar at Michael.Millar@ontarioenergyboard.ca

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 24, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary