

January 12, 2015

RESS, EMAIL & COURIER

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: Union Gas Limited - Application for Authority to Expropriate (EB-2014-0335) - Response to Late Intervention and Filing of Interrogatories by Ministry of Attorney General

We are counsel to Union Gas Limited (“Union”), applicant in the above-referenced proceeding, and are writing in response to the filing on January 9, 2015 of a late intervenor status request and interrogatories from the Ministry of the Attorney General (the “MAG”), by its Civil Remedies for Illicit Activities Office (the “CRIA Office”).

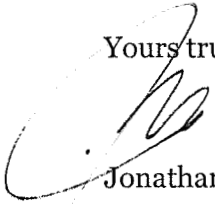
As set out in the Notice of Application, requests for intervenor status were due by December 4, 2014. Although the MAG’s request was filed well after this deadline, Union does not object to the MAG’s late request for intervenor status, so long as its late intervention does not cause delays in the proceeding.

Union does take issue with the suggestion by the MAG that it was not served with notice of the proceeding. In fact, as indicated in Union’s November 19, 2014 Affidavit of Service, a copy of the Notice of Application, together with a copy of the application, property description, aerial map and survey plan were served on the MAG on or about November 12, 2014. The address for service was that which appears on the Court Order that the MAG registered on title against the subject property, being an address of the Superior Court of Justice at 45 Main Street West in Hamilton, Ontario. Moreover, on that same date we provided a courtesy copy of the same package of information by email directly to Ms. Rosalyn Train, Counsel in the MAG’s CRIA Office.

Union also notes that the issues raised by the MAG, both in its intervenor status request and in its interrogatory questions, do not appear to be relevant to the scope of the Board’s jurisdiction in the proceeding. In particular, each of the concerns raised by the MAG go to the issue of compensation. However, as explained in the Notice of Application, the Board does not have authority to determine the amount of compensation payable and, if the Board authorizes Union to expropriate and the parties do not agree upon compensation, compensation will be determined under the *Expropriations Act* or by the Ontario Municipal Board. The Board reiterated this limitation on its jurisdiction in Procedural Order No. 1, a copy of which was

provided to the MAG with a courtesy copy sent directly to Ms. Train on December 22, 2014. In considering the MAG's intervention request, the Board may wish to consider whether the MAG has any relevant interests in the proceeding. If intervenor status is granted and Union is required to respond to the interrogatories filed by the MAG, it will be Union's intention to only respond insofar as the questions seek information that is relevant to the proceeding.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jonathan Myers', is written over the typed name below.

Jonathan Myers

cc: Mr. M. Murray, Union Gas
Mr. C. Smith, Torys
Intervenors