



**EB-2014-0363**

**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 TransAlta Corporation, TransAlta Generation Partnership and TransAlta Cogeneration L.P. for certain preliminary determinations of the Ontario Energy Board in regard to the interpretation of the T1 / T2 contract.

**NOTICE OF APPLICATION  
AND PROCEDURAL ORDER NO. 1  
January 27, 2015**

TransAlta Corporation, TransAlta Generation Partnership and TransAlta Cogeneration L.P. (TransAlta) filed an application dated December 3, 2014 seeking Ontario Energy Board (OEB) determinations on three preliminary issues relating to the interpretation of the T1 / T2 contract and the alternative dispute resolution requirements applicable to contracts for transportation services.

TransAlta specifically requested that the OEB consider the following three preliminary issues.

- 1) Does the OEB have, and will it exercise, jurisdiction to determine the correct interpretation of TransAlta's Daily Contract Quantity (DCQ) obligations under its T1 / T2 contract?
- 2) If the OEB determines that it does have jurisdiction to determine the correct interpretation of TransAlta's DCQ obligations under its T1 / T2 contract, does the OEB have, and will it exercise, jurisdiction over the amounts that may be owed to TransAlta under the T1 / T2 contract?

- 3) If the OEB determines that it does not have jurisdiction to determine the correct interpretation of TransAlta's DCQ obligation under its T1 / T2 contract, will the OEB refer TransAlta's application to binding arbitration in accordance with the *Storage and Transportation Access Rule* (STAR)?

The OEB received a letter from Union Gas Limited (Union) on January 5, 2015 responding to TransAlta's application. TransAlta filed a response to Union's letter on January 12, 2015. Union filed another letter responding to TransAlta's response on January 21, 2015.

The OEB will adopt Union as an intervenor in this proceeding. A list of intervenors for EB-2014-0363 is attached as Appendix "A" to this order.

The OEB will hear TransAlta's application by way of an oral hearing. Accordingly, the OEB will make provisions for the following procedural matters. Further procedural orders may be issued from time to time.

#### THE BOARD ORDERS THAT:

1. The parties listed in Appendix "A" are granted intervenor status in the proceeding.
2. An Oral Hearing will be held on **March 17, 2015** beginning at 9:30 a.m. in the Board's Hearing room, on the 25<sup>th</sup> floor at 2300 Yonge Street, Toronto, Ontario. The Board expects that, at the outset of the Oral Hearing, TransAlta will provide an opening statement, after which, parties wishing to make oral argument will be provided an opportunity to do so. Finally, TransAlta will be granted an opportunity to reply to the arguments of other parties.

All filings to the OEB must quote file number **EB-2014-0363**, be made electronically through the OEB's web portal at [www.pes.ontarioenergyboard.ca/eservice](http://www.pes.ontarioenergyboard.ca/eservice) in searchable / unrestricted PDF format. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address.

All filings shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

[www.ontarioenergyboard.ca/OEB/Industry](http://www.ontarioenergyboard.ca/OEB/Industry). If the web portal is not available, parties may email their documents to the address below.

For all electronic correspondence and materials related to this proceeding, parties must include in their distribution lists the Case Manager, Lawrie Gluck at [Lawrie.Gluck@ontarioenergyboard.ca](mailto:Lawrie.Gluck@ontarioenergyboard.ca) and Legal Counsel, Maureen Helt at [Maureen.Helt@ontarioenergyboard.ca](mailto:Maureen.Helt@ontarioenergyboard.ca).

All communications should be directed to the attention of the Board Secretary 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

Filings: <https://www.pes.ontarioenergyboard.ca/eservice/>

E-mail: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)

Tel: 1-888-632-6273 (Toll free)

Fax: 416-440-7656

**ISSUED** at Toronto, January 27, 2015

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

## **APPENDIX A**

**NOTICE OF APPLICATION AND PROCEDURAL ORDER NO. 1**

**LIST OF INTERVENORS**

**BOARD FILE NO. EB-2014-0363**

**DATED January 27, 2015**

**TransAlta Corporation  
EB-2014-0363**

**APPLICANT & LIST OF INTERVENORS**

January 27, 2015

**APPLICANT**

**Rep. and Address for Service**

**TransAlta Corporation**

**Lisa DeMarco**

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**INTERVENORS**

**Rep. and Address for Service**

**Union Gas Limited**

**Crawford Smith**

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