



**EB-2014-0261**

**IN THE MATTER OF** the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B (the Act);

**AND IN THE MATTER OF** an application by Union Gas Limited for an order or orders granting leave to construct natural gas pipelines and ancillary facilities in the City of Hamilton, the City of Burlington, and the Town of Milton;

**AND IN THE MATTER OF** an application by Union Gas Limited for an order or orders granting leave to construct a compressor station in the Municipality of Middlesex Centre;

**AND IN THE MATTER OF** an application by Union Gas Limited for an order or orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of natural gas pipelines and ancillary facilities and the compressor station.

**BEFORE:** Marika Hare,  
Presiding Member

Ellen Fry  
Member

**DECISION ON ISSUES LIST**

**February 6, 2015**

Union Gas Limited (Union) filed an application with the Ontario Energy Board on September 30, 2014 for:

1. leave to construct 20 kilometers of NPS 48 pipeline from the Hamilton Valve Site to Milton Valve Site in the City of Hamilton, the City of Burlington, and the Town of Milton pursuant to section 90 of the Act;
2. leave to construct Lobo C Compressor Station and associated facilities at the Lobo Compressor Station site in the Municipality of Middlesex Centre pursuant to section 91 of the Act; and
3. pre-approval of the recovery of costs associated with the system expansion which is the subject of this application pursuant to section 36 of the Act.

The Board has assigned file number EB-2014-0261 to the application. A Notice was issued on October 28, 2014 and was served and published as directed. The Board issued Procedural Order No. 1 on November 18, 2014 setting the schedule for a written discovery process. A written discovery process was completed on January 28, 2015. On January 29, 2015 the board issued Procedural Order No. 2 to invite comments on Draft Issues List to be filed by February 4, 2015, and to schedule a Settlement Conference for February 9, 2015 and an Oral Hearing on March 3, 2015.

### **Comments on Draft Issues List**

By February 4, 2015 London Property Management Association ("LPMA"), Canadian Manufacturers and Exporters ("CME") Gas Pipeline Landowners of Ontario ("GAPLO") filed comments on the Draft Issues List. Union filed a letter providing its comments on the changes to the Draft Issues List proposed by GAPLO.

LPMA and CME agreed with the Draft Issues List. GAPLO proposed a number of additions to the Draft Issues List addressing mainly landowner concerns with the form of easement agreement, construction and land restoration matters and environmental cumulative impact assessment. Union replied to GAPLO's proposed changes to the Draft Issues List by suggesting that most of the issues proposed by GAPLO may be covered by Board Issue 5 (landowner matters) and Issue 6 (environmental assessment matters). Union suggested that a new issue be added to reflect Board's considerations of the form of easement agreement. Union's suggested wording is as follows:

*Is the form of easement agreement offered by Union or that will be offered by Union to each owner of land affected by the approved route or location appropriate?*

## **Board Findings**

The Board finds that most of the issues proposed by GAPLO are encompassed in the broader issues dealing with landowner matters (Issue 5) and environmental matters (Issue 6). With respect to the addition of an issue which captures matters relating to the form of easement agreement the Board agrees a new issue should be added, and accepts the wording proposed by Union Gas.

The revised and final Issues List is attached as Appendix A.

## **THE BOARD ORDERS THAT:**

1. The Issues List for the proceeding shall be the Issues List attached as Appendix A.

All filings to the Board must quote the file number EB-2014-0261 and be made electronically through the Board'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 Board's address provided below. 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 [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. 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.

**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](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, February 6, 2015

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

# **Appendix A**

## **ISSUES LIST**

1. Are the proposed facilities needed?
2. Do the proposed facilities meet the Board's economic tests as outlined in the Filing Guidelines on the Economic Tests for Transmission Pipeline Applications, dated February 21, 2013, as applicable?
3. What are the potential short-term and long-term rate impacts to customers? Are these costs and rate impacts to customers appropriate?
4. What are the facilities and non-facilities alternatives to the proposed facilities? Have these alternatives been adequately assessed and are any preferable to the proposed facilities, in whole or in part?
5. Do the facilities address the OEB Environmental Guidelines for Hydrocarbon Pipelines as applicable?
6. Are there any outstanding landowner matters for the proposed facilities with respect to routing and construction matters? For greater clarity, landowners include parties from whom permits, crossing agreements and other approvals are required.
7. Is the form of easement agreement offered by Union or that will be offered by Union to each owner of land affected by the approved route or location appropriate?
8. Are the proposed facilities designed in accordance with current technical and safety requirements?
9. Has there been adequate consultation with other potentially affected parties?
10. Does the project meet the capital pass-through mechanism criteria for pre-approval to recover the cost consequences of the proposed facilities?
11. If the Board approves the proposed facilities, what conditions, if any, are appropriate?