

VIA E-MAIL & COURIER

May 4, 2015

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

**RE: EB-2014-0182-UNION GAS – Burlington-Oakville Pipeline
OGVG REPLY SUBMISSIONS ON MOTION TO COMPEL**

We are writing on behalf of the Ontario Greenhouse Vegetable Growers (“OGVG”) in accordance with the Board’s letter of May 1st.

On April 4th, 2015 OGVG filed a Motion to Compel citing concerns regarding the evidence and responses provided by Union in sections titled “Potential Solutions Considered and Available to the Applicant” and “Economic Evaluation” (the “Motion”). In response to the Motion, Board staff, CME and APPrO filed submissions prior to April 23rd, 2015, and Union filed submissions on April 30th, 2015.

OGVG now files these submissions in reply, which focus on the two main issues: Evidence of the Potential Solutions and the Economics.

Evidence of Potential Solutions

Union asserts that its response to OGVG.10 provides all of the information available that pertains to alternative solutions explored with TCPL and Enbridge. However, neither the original exhibit, nor the response, include documentation of discussions with Trans Canada Pipelines Ltd (“TCPL”). Union’s response includes documentation of communication with Enbridge when TPCL is the pipeline that currently feeds the communities of Burlington and Oakville and is the company best positioned to facilitate additional firm deliveries to Union. Union has not submitted evidence that tri-party discussions have occurred nor is there any documentation of Union’s requests to TCPL regarding the ability for TCPL to offer a solution that is more in the public interest than the facility construction proposed by Union.

Our concern in this area is heightened regarding the lack of these discussions when this lack of evidence is viewed against Union’s statement in its April 23rd submission regarding APPrO.2:

“Union assumes (emphasis added) that TransCanada could provide a firm transportation service from Parkway to Union ECDA. Union is not clear as to the scope of new facilities required to provide the firm transportation services to meet Union’s capacity requirements to 2035”.

Given the Board's documented concerns regarding pipeline and utility collaboration referred to by almost all submitting parties in this motion, for Union to acknowledge that it is uncertain whether TCPL could provide a firm service is very disconcerting.

As noted in our covering letter to the April 4th filed Motion, TCPL has a facilities application before the NEB¹ requesting to reverse the flow on the Domestic Line that flows through, and currently delivers gas to Union at the Bronte station which feeds Burlington and Oakville. Clearly, TCPL has performed engineering analysis for this work and Union need only ask TCPL about the impact of reversing flow and the physical ability of their integrated system to feed part or all the communities existing and future needs.

In light of the fact that Union asserts that it has provided all documentation regarding considered solutions, and that no evidence of communications regarding possible solutions between TCPL and Union has been submitted, we respectfully submit that a Technical Conference attended by TCPL as a technical witness would assist the Board in understanding what potential has been explored and what may still exist. OGVG does not believe it unreasonable that Union should be required to provide ratepayers with adequate opportunity to understand such a possibility.

Economics

After the filing of the April 4th OGVG Motion, Union provided enhanced responses to the IR's, including OGVG.4. In that response, Union provided the capacity costs but still argued that those costs are not relevant. We disagree. It is OGVG's submission that Union's response to OGVG.4 narrows the evaluation to how the volumes are currently planned for on the Dawn-Parkway system, and as such does not explore all available alternatives.

Through both the proposed through the TCPL Domestic line, and the recently reversed Niagara to Kirkwall TCPL line, it is entirely possible that some or all of the existing flow on the Dawn-Parkway system could be displaced by a TCPL service provided from the south. Thus, Dawn-Parkway capacity could be re-purposed to reduce upcoming planned builds by the utility in 2017 and 2018. Union's Application deprives the Board and ratepayers of the evidence necessary to evaluate such potential solutions.

In addition, Union's April 30th submission provided additional information on APPrO.5. Like APPrO, we are very concerned that the impact of the potential for reduced TCPL tolls be considered in the economic evaluation of alternative solutions. Union has argued that other societal benefits must be brought into the evaluation which diminishes the impact. However, we do not see any incremental societal costs for the impact of construction that may otherwise be deferred or eliminated if the use of existing TCPL facilities were employed. In our view, the economic evaluation of best alternatives must start with what could TCPL provide and at what cost?

¹ File OF-Fac-Gas-T211-2015-02 01

Conclusion

OGVG's Motion requests further and better responses to areas of inquiry regarding Evidence of Potential Solutions and Economics. In our view, in spite of some incremental responses offered by Union, the outstanding question is what could be done to maximize the use of existing infrastructure already being paid for by Ontario ratepayers.

Despite Union's efforts to improve upon the responses given, the above question remains unanswered. Thus, OGVG respectfully requests that the Board order a Technical Conference attended by TCPL as a technical witness to allow a more fulsome exploration of these matters. This request is supported by the submissions of both APPrO and CME, and Union, in its April 30th response, does not oppose the idea.

OGVG firmly believes that the addition of the Technical Conference would be the most effective method of understanding these technical matters.

All of which is Respectfully Submitted on Behalf of OGVG,



Dwayne R. Quinn
Principal
DR QUINN & ASSOCIATES LTD.

- c. V. Innes - Union Gas
Interested Parties EB-2014-0182
J. Taylor - OGVG