

June 11, 2015

COURIER, EMAIL AND RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2014-0182 – Union Gas Limited (“Union”) – Burlington Oakville Pipeline Project – Response to OGVG

We are legal counsel to Union Gas Limited in this matter. This letter is in response to the letter dated June 5, 2015 filed by the Ontario Greenhouse and Vegetable Growers ("OGVG") (the "OGVG Letter").

In particular, the OGVG Letter (i) attached a document referencing a potential alternative to the proposed Oakville Burlington Pipeline Project (the "Project"); (ii) a preliminary cost comparison apparently prepared by Ms. Aggie Cheung; and (iii) interrogatory style questions posed to TransCanada Pipelines Limited ("TCPL") together with a request that the Board direct TCPL to respond to the questions.

Union Gas submits the following with respect to the OGVG Letter.

1. It is not clear from the OGVG Letter whether the "potential alternative", together with the Preliminary Cost Comparison are filed as evidence pursuant to Procedural Order No. 3. The documents are both referred to as "potential" or "preliminary". It is also not clear as to what parts of the documentation filed was prepared by OGVG or what part was prepared by Ms. Cheung. If the material is filed as evidence, it should not be admissible in this proceeding until it is clear that the documentation is final and the responsible author is identified.

Union should not be obliged to file interrogatories pursuant to the Procedural Order No. 3 until it is clear that the material included with the OGVG Letter is evidence to which OGVG or its consultant will attest to and that evidence is final. In order to ensure the efficient progression of this proceeding, the Board should require OGVG to clarify the foregoing by Monday June 15, 2015.

2. With respect to OGVG's request that the Board direct TCPL to answer the various questions set out in the OGVG letter, Union submits that this request should be denied. The inquiries made by OGVG relate to a new FT contract from Niagara to the ECDA. These inquiries are not warranted. Union Gas has already clearly assumed in its evidence that TCPL can provide Union

Gas service to serve the Oakville and Burlington area without incremental capacity, through supply points other than Niagara. However, the service was less economic than the proposed project. With respect to the Niagara to the ECDA capacity, Enbridge Gas Distribution has fully contracted the available capacity of 200 GJ/d. Furthermore, witnesses clearly indicated at the technical conference that the additional capacity from Niagara to the ECDA is not economic on the TCPL system.

“MR. QUINN: But your presumption, sir, is that it has to go to Parkway, and this morning I heard that you were assessing alternatives of starting at Dawn, starting at Parkway, starting at Kirkwall. I didn't hear Niagara, so let me ask you the question: Can you provide an economic analysis that would demonstrate that Niagara is not a path that could provide you the service? You yourself have said TransCanada's existing system could do this, and we're asking you to ask TransCanada if they can do it, but we haven't got it, but you do an economic analysis toward, could a Niagara to Union, specifically ECDA, just to constitute Burlington, Bronte delivery points, what that economic analysis would generate in terms of what the cost would be relative to your other economic considerations that Mr. Hockin has done so far.

MR. ISHERWOOD: And again, you are looking at a supply point, Niagara being a supply point.

MR. QUINN: Right.

MR. ISHERWOOD: And that supply point would have to go through Kirkwall and have to go through Parkway.

MR. QUINN: Well, sir, again, that's --

MR. ISHERWOOD: That's how it has to go. The 200 -- that other line is 200 a day, and it's full, and unless Enbridge chooses not to use it that day, it's full.

MR. QUINN: I know. And we've just had that discussion wherein you agreed with me that gas could go to Enbridge through Kirkwall to Parkway, so to the extent that TransCanada has to get the gas, 200 TJs to Enbridge, it could flow a different path than through the Burlington area.

MR. ISHERWOOD: No.

MR. QUINN: Why do you say that?

MR. ISHERWOOD: Enbridge has contracted this path very specifically. They want to have their gas arrive, and as part of that exchange response to OGVG number 10, they want that gas to flow from Niagara to their Parkway point.

MR. QUINN: Which is the Enbridge takeoff that's listed here on the OGVG 1.

MR. ISHERWOOD: TCPL is tying in directly to the Enbridge system. They do not want to come through Union Gas's system, they want to diversify their input into their franchise area, which I fully understand, fully support, so that gas will not go through Kirkwall to Union.

MR. QUINN: They want firm deliveries, and they want diversification.

MR. ISHERWOOD: Exactly.”

(Technical Conference Transcript, p. 135-136)

In its ruling of May 13, 2015 set out in Procedural Order No. 3, the Board denied OGVG's request that TCPL be subject to examination at the Technical Conference. OGVG's request in the OGVG Letter is a continuation of this earlier request. For reasons, similar to those set out in Procedural Order No. 3, the Board should deny OGVG's request set out in the OGVG Letter.

Yours truly,



Charles Keizer

CK/

cc (by email): Zora Crnojacki, Board Staff
Mark Kitchen, Union
All Intervenors (IB-2014-0182)

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