



EB-2014-0182

Union Gas Limited

Application for leave to construct a natural gas pipelines and ancillary facilities in the Town of Milton and the Town of Oakville and for approval to recover the cost consequences of the development of the proposed Burlington Oakville Project.

PROCEDURAL ORDER NO. 4

June 17, 2015

Union Gas Limited (Union) filed an application with the Ontario Energy Board (OEB) on December 12, 2014 to construct a pipeline and ancillary facilities in the Town of Milton and the Town of Oakville (Burlington Oakville Project or Project) and for approval to recover the cost consequences of the development of the proposed Burlington Oakville Project.

A Notice of Application was issued on January 13, 2015 and was served and published as directed. On February 19, 2015 the OEB issued Procedural Order No. 1 which set the schedule for the hearing.

On March 26, 2015 Union filed its responses to interrogatories from OEB staff and intervenors.

On April 4, 2015, the Ontario Greenhouse Vegetable Growers (OGVG) filed a motion to compel Union to respond fully to certain OGVG interrogatories (the Motion). OGVG requested that Union provide more information in order to allow intervenors to gain a better understanding of the range of potential alternatives to the proposed Project considered by Union, including alternative collaborative solutions among Union, TransCanada PipeLines Limited (TransCanada) and Enbridge Gas Distribution Inc. OGVG requested that the OEB order a written process to hear submissions on the merits of the Motion.

The Canadian Manufacturers and Exporters (CME) and Association of Power Producers of Ontario (APPRO) supported the Motion.

On April 9, 2015, the OEB issued Notice of Motion to Compel Further and Better Interrogatory Responses and Procedural Order No. 2 (Notice of Motion and Procedural Order No. 2) wherein it invited parties to file written submissions on the merits of the Motion. Union updated its responses to the disputed interrogatories on April 14, 2015 and further on April 30, 2015.

In its reply submission, OGVG maintained that Union's updated responses to the disputed interrogatories were not satisfactory and asked the OEB to convene a technical conference and make TransCanada available as a witness in examination of the issues subject to the disputed interrogatories.

In its Decision on Motion and Procedural Order No. 3, dated May 13, 2015, the OEB found that the interrogatories generally fell within the scope of Issue No. 4, and convened a technical conference on May 21, 2015 to further examine alternatives to the proposed Project. The OEB did not require TransCanada to participate and be subject to examination at the technical conference.

Intervenor evidence was to be filed on June 4, 2015. On May 29, 2015 OGVG and CME sent a letter informing the OEB that they might seek an extension to file intervenor evidence regarding the assessment of a "non-build" alternative to Union's proposed Project. On June 2, 2015, Union objected to an extension of procedural timelines stating that Union had considered "non-build" commercial services from TransCanada to serve Oakville and Burlington and responded to extensive questioning on this matter at the technical conference.

On June 5, 2015 OGVG filed a preliminary cost comparison of a "non-build" alternative to Union's proposed pipeline Project. OGVG requested that the OEB direct TransCanada to respond to certain questions.

On June 11, 2015 Union filed a response to the June 5th letter from OGVG. Union stated that it is not clear whether OGVG's correspondence and preliminary cost comparison were filed as evidence pursuant to procedural order No. 3. Union also submitted that the request for TransCanada to respond to certain questions should be denied on the ground that the "non-build" alternative advanced by OGVG and CME was considered in the evidence but the proposed Project is more economical.

CME filed a letter on June 12, 2015 stating that, contrary to Union's suggestion in its June 11, 2015 letter, none of the evidence adduced by Union at the Technical Conference addressed the alternative described in the attachment to OGVG's June 5, 2015 letter. CME attached a copy of a separate letter dated June 12, 2015 sent by CME to TransCanada providing an opportunity to respond to OGVG's questions contained in its June 5, 2015 letter without being compelled to do so by the OEB. The letter requested that this information be provided by June 15, 2015.

Union filed a letter dated June 16, 2015 stating that responses to the questions posed in the OGVG/CME correspondence will be obtained and filed by Union, with TransCanada's approval, on or before June 19, 2015.

The OEB finds that the information filed by CME and OGVG regarding a potential alternative and preliminary cost comparison should not be considered evidence pursuant to Procedural Order No.3. The OEB is by way of this Procedural Order setting a new date for the filing of intervenor evidence.

The OEB finds that additional information on alternatives to the proposed Project is needed so that the OEB can be satisfied that all feasible alternatives have been adequately addressed.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE OEB ORDERS THAT:

1. Union shall file responses to the questions attached as Appendix A to this Procedural Order with the OEB and deliver them to all other parties by **June 19, 2015**.
2. Intervenors that wish to present evidence shall file that evidence with the OEB and deliver it to Union and all other parties by **June 29, 2015**.
3. Anyone that requires information and material related to any intervenor evidence, that is in addition to the evidence filed and is relevant to the hearing, shall request it by written interrogatories filed with the OEB and delivered to Union and all other parties by **July 9, 2015**.

4. Responses to the interrogatories on the intervenor evidence shall be filed with the OEB and delivered to Union and all other parties by **July 20, 2015**.

All filings to the OEB must quote file number **EB-2014-0182**, be made through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the BoardSec@ontarioenergyboard.ca. 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 seven paper copies. If you have submitted through the OEB's web portal an e-mail is not required.

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

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Attention: Board Secretary

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DATED at Toronto, June 17, 2015

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A

- 1) If Union seeks a new FT contract from Niagara to ECDA totaling 276 TJ/day:
 - a) Please confirm that TCPL will not need to build any new pipeline or compression facilities between Niagara and ECDA to provide the new FT service; and
 - b) Please provide a high level cost estimate for modifications required to provide the new FT service.
 - c) If the estimated costs are significant, how much of the 276 TJ/day could be provided without any significant costs?
- 2) Will TCPL be able to provide the new FT contract beginning November 1, 2016?
- 3) If TCPL is unable to provide the new FT contract beginning November 1, 2016:
 - a) Please provide the earliest date the new FT contract can begin; and,
 - b) Please confirm that a temporary bridging mechanism can be discussed between TCPL and Union for the period between November 1, 2016, and the earliest date the new FT contract can begin.
- 4) Please provide the MAOP of the Domestic Line between MLV 209 and MLV 207.