

September 3, 2015

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RESS, EMAIL & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
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Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: Union Gas Limited - Burlington Oakville Pipeline Project (EB-2014-0182)

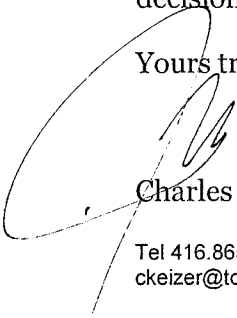
We are legal counsel for Union Gas Limited ("Union") in this matter. This letter is in response to correspondence filed on September 2, 2015 by School Energy Coalition ("SEC") wherein SEC requests that the Ontario Energy Board (the "Board") amend Procedural Order No. 5 and have the Board conduct an oral hearing instead of a written proceeding in this matter.

Union submits that Procedural Order No. 5 should not be amended. In this proceeding, the applicant has filed evidence which has been subject to both interrogatories and a technical conference. The Ontario Greenhouse and Vegetable Growers ("OGVG") together with the Canadian Manufacturers and Exporters Association ("CME") filed evidence and that also was subject to an interrogatory process. Union's evidence filed in reply has similarly been subject to interrogatories. The factual exploration at the technical conference and the interrogatories filed on each of the aforementioned occasions have been extensive. Furthermore, the completeness of the answers provided has either not been objected to or, under the direction of the Board, further responses have been provided, including responses to specific questions posed by Union to TransCanada Pipelines Limited.

SEC has expressed concern that there remain outstanding questions and that further examination is required in an oral proceeding. However, like in any proceeding where there are differing positions there will remain outstanding areas of debate or differences of opinion, which are best dealt with through final submissions. An exploration of differences of opinion is the essence of the questions posed by SEC and not that of a factual inquiry. Based upon the extensive record in this proceeding, this further examination will not provide sufficient probative value to merit an oral proceeding and Union submits these differences of opinion are best expressed and ultimately resolved in writing. As indicated by the Board in EB-2012-0365, "an oral hearing will be held if there is additional evidence or cross-examination required, but the matters must be of sufficient probative value to the Board's decision-making."

With respect to the various areas of inquiry set out by SEC in its correspondence, it is important to note that SEC has raised no new factual issues that were not otherwise clearly before the Board when it concluded in Procedural Order No. 5 that this proceeding should be in writing. As such, SEC has provided no basis for the amendment of the Board's Order. Furthermore, Union notes that Procedural Order No. 5 was issued on August 13, 2015. It has taken SEC almost 3 weeks since the date of the Board's ruling on the nature of this proceeding for SEC to raise its concern. If the materiality of the issues raised and the factual inquiry was apparent, it is reasonable to expect such concerns to have been raised immediately following the Board's decision in this regard.

Yours truly,



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cc: Zora Crnojacki, Board Staff
Mark Kitchen, Union Gas
All Intervenors