

EB-2015-0206
Tribute Resources Inc.

Interrogatories of Tribute Resources Inc. to MPAC

1. Reference: In paragraph 2 of MPAC's Evidence, there is a reference to "*GRAD document*".

Interrogatory 1:

Please fully explain the meaning of "*GRAD document*" including in such explanation what each letter in the acronym "*GRAD*" stands for.

2. Reference: MPAC's Evidence, paragraph 3 states that Tab B to MPAC's Evidence shows all of the pipelines assessed to Tribute Resources Inc. ("**Tribute**").

Interrogatory 2:

- (a) Please identify which of the pipelines described in the chart at Tab B transport oil and which of the pipelines transport natural gas.
- (b) In assessing the pipelines shown on the table at Tab B of MPAC's Evidence, does MPAC differentiate between gathering pipelines for natural gas and gathering pipelines for oil? If the answer to this question is yes, please provide full and complete details including the basis for such differentiation.
- (c) Please provide full and complete details of all of the evidence that MPAC has indicating that the pipelines described on Tab B are gas "*transmission pipe lines*" within the meaning of the definition of "*pipe line*" in section 25(1) of the *Assessment Act*, R.S.O. 1990 c.A.31, as amended (the "*Act*").
- (d) Who prepared the chart set out at Tab B and when was this chart first prepared? Please provide full and complete details of all of the information obtained by MPAC in connection with the preparation of the chart at Tab B including copies of all correspondence, documentation and emails received by MPAC from any person designating the pipelines described on the chart at Tab B as gas "*transmission pipe lines*" within the meaning of the definition of "*pipe line*" in section 25(1) of the *Act*.

3. Reference: Paragraph 7 of MPAC's Evidence states, "*MPAC relies on pipeline companies to report their pipelines, and assesses pipelines based on the reports received. MPAC deals with 7 or 8 large companies regularly and another 20-30 companies periodically, as changes are reported.*"

Interrogatory 3:

- (a) Please provide copies of any and all reports received by MPAC from any person relating to the pipelines illustrated in Schedule A of the Application of Tribute in these proceedings. In connection therewith, unless it is evident from the reports received by MPAC, please include the date of the report, the full name of the person and/or entity who sent the report to MPAC, the date the report was received by MPAC and any and all covering letters or other documentation accompanying the report, whether in written or electronic form.
- (b) Please provide copies of any changes reported to MPAC in respect of the pipelines illustrated in Schedule A to Tribute's Application in these proceedings and include, unless otherwise evident from each change report, the date of the change report, the full name of the person and/or entity who sent the change report to MPAC, the date the change report was received by MPAC and any and all covering letters or other documentation accompanying the change report, whether in written or electronic form.

4. Reference: Paragraph 9 of MPAC's Evidence states, "*The pipelines at issue in this Application were reported to MPAC under s. 25 of the Assessment Act.*"

Interrogatory 4:

- (a) Is it MPAC's position that the pipelines at issue in this Application are gas "*transmission pipe lines*"? In connection with MPAC's answer, please provide full and complete details and reasons including references to any definitions or other material in support of such answer.
- (b) Is there a difference between a gas "*transmission pipe line*" and a gas "*gathering pipeline*"? Please provide full and complete details in connection with MPAC's answer including references to any definitions or other resource material used by MPAC in giving its answer.
- (c) If the pipelines at issue in this Application are determined by the Ontario Energy Board to be something other than gas "*transmission pipe lines*" within the meaning of section 25(1) of the Act, is it MPAC's position that they are liable for assessment and taxation under the Act and Ontario Regulation 282/98 made under the Act? If MPAC's answer to this question is yes, please provide full and complete details including its legal justification for such answer.
- (d) If not already included in MPAC's answer to one of the questions above, please provide full and complete copies of all reports received by MPAC and referred to in Paragraph 9 of MPAC's Evidence, including copies of any and all covering letters or other correspondence, whether in written or electronic format, accompanying such reports.

5. Reference: Paragraph 9 of MPAC's Evidence which states, "*The pipelines at issue in this Application were reported to MPAC under s. 25 of the Assessment Act.*"

Reference: See e-mail strings attached as Addendum

Interrogatory 5:

- (a) In addition to what is set forth in the Addendum attached hereto, please provide copies of any and all communications received by MPAC from Tribute or its predecessors, Magnum Gas Corp. and Echo Energy Canada Inc. (or any of their affiliated entities) designating the pipelines at issue in this Application or any part thereof as gas "*transmission pipe lines*" within the meaning of s. 25(1) of the Act. Please provide full and complete details of the same including copies of all such designations, communications and correspondence, whether in written or electronic form.
- (b) Has any person designated the pipelines at issue in this Application as gas "*transmission pipe lines*" within the meaning of section 25(1) of the Act on or before March 1st of each of 2012, 2013, 2014 and 2015? If so, please provide copies of all such designations, including, without limitation, any covering letters or other correspondence directly related to such designations.
- (c) Please provide copies of all notifications received by MPAC pursuant to subsection 25(2) of the Act from January 1, 2012 to the present and prior to January, 2012.
- (d) In reference to Rick Brisebois' e-mail to James Gilpin dated September 25, 2014 as set out in the Addendum, which states in part as follows, "*As per Sec 25 of the Assessment Act, pipe line companies are to submit a report of their pipe every March. For these three properties we have not received a report for years. Could you please ensure a report is issued even if there are no changes.*", would MPAC please clarify whether they expect a pipeline company like Tribute to submit a report to MPAC of all pipelines that they own, including gathering pipelines or just gas "*transmission pipe lines*" as defined in s. 25(1) of the Act.

EB-2015-0206
Tribute Resources Inc.

**Addendum to Interrogatories of Tribute Resources Inc. Directed to MPAC Regarding Their Evidence
Submitted September 15th, 2015***

* The emails in this Addendum form part of, and are representative of, longer email threads indicating the confusion over pipeline terminology by both MPAC and Tribute personnel.

Renee Rioux

To: Jennifer Lewis
Subject: Addendum to Tribute Interrogatories to MPAC

From: Karey Lunau [<mailto:lunau@cdglaw.net>]
Sent: Tuesday, April 28, 2015 3:43 PM
To: 'jgilpin@tributeresources.com'
Cc: 'Brisebois, Rick'
Subject: FW: Scheduled pipe line Notice of Hearing dates

James – Rick has forwarded your email to me.

As the ARB does not have jurisdiction to determine the issues, the appeals before the ARB should be withdrawn. You can then pursue your appeal to the Ontario Energy Board.

If you confirm by reply email that you wish to proceed in this manner, I will arrange to have the ARB appeals withdrawn and the hearing cancelled (so that we do not need to attend).

Thanks - kl

From: James Gilpin [<mailto:jgilpin@tributeresources.com>]
Sent: Thursday, April 23, 2015 3:08 PM
To: Brisebois, Rick
Subject: Scheduled pipe line Notice of Hearing dates

Rick,

Malahide 34 08 000 011 03930 000 –Notice of Hearing scheduled: June17, 2015
Bayham 34 01 000 003 08810 0000 –to be confirmed this week
Norfolk 33 10 545 35210 0000 – to be confirmed this week

In accordance with section 25(2) under the Assessment Act R.S.O. 1990, c.A.31 ('the 'Act'), we, as owners of the aforementioned properties rightfully define and classify our assets as that of 'transmission' pipe line.

We would like to bring an application before the OEB under section 25(3) of 'the Act' to obtain the OEB's decision and resolve any disputes that we may have with MPAC as to whether the transmission pipe lines that we've designated (excluding gathering lines) are transmission pipe lines. How should I go about performing this proposed action?

Best Regards,

James Gilpin

From: Brisebois, Rick [<mailto:RICK.BRISEBOIS@mpac.ca>]
Sent: Monday, October 27, 2014 7:39 AM
To: James Gilpin
Subject: RE: Pipeline appeal report update & question

Hi James,

Gathering pipeline is also considered transmission in this definition. Purpose of the definition is to omit pipe within the refinery/terminal from assessment under Sec.25 of the Act.

As for the upcoming appeal in December, the ARB requires us to exchange information at least 21 days prior to the hearing. Will the report be available soon?

Thanks. Rick

From: James Gilpin [<mailto:jgilpin@tributeresources.com>]

Sent: Friday, October 17, 2014 10:54 AM

To: Brisebois, Rick

Subject: RE: Pipeline appeal report update & question

Rick,

Our reports are currently under review by upper-management. I intend to seek direction as to which appeals we'll be moving forward with. In the meantime, when re-reading, 'Assessment Act R.S.O. 1990, Chapter A.31' the following (see below) the sentence in which I highlighted stood out to me:

25. (1) In this section,

"gas" means natural gas, manufactured gas or propane or any mixture of any of them; ("gaz")

"oil" means crude oil or liquid hydrocarbons or any product or by-product thereof; ("pétrole")

"pipe line" means a pipe line for the transportation or transmission of gas that is designated by the owner as a transmission pipe line and a pipe line for the transportation or transmission of oil, and includes,

(a) all valves, couplings, cathodic protection apparatus, protective coatings and casings,

(b) all haulage, labour, engineering and overheads in respect of such pipe line,

(c) any section, part or branch of any pipe line,

(d) any easement or right of way used by a pipe line company, and

(e) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal; ("pipeline")

"pipe line company" means every person, firm, partnership, association or corporation owning or operating a pipe line all or any part of which is situate in Ontario. ("compagnie de pipeline") R.S.O. 1990, c. A.31, s. 25 (1).

This definition of "pipe line" as defined in this act refers only to 'transmission pipe line.' Although I am relatively new in this position as a landman/leasing manager I've been lead to believe that there were two classifications as pipelines, one being a 'gathering pipe line' with the other being a 'transmission pipeline'. A 'gathering pipeline gathers the gas from the wells and brings it to a compressor site. From the compressor site to the point-of-sale, I know this as being a 'transmission pipe line.' Again, I could be wrong on this. Could you shed more light on this? Thanks.

James

From: James Gilpin [<mailto:jgilpin@tributeresources.com>]
Sent: Thursday, September 25, 2014 1:46 PM
To: rick.brisebois@mpac.ca
Subject: Understanding Property Profiles

Rick,

From the attached, I was hoping that you could help explain to me the following headings. Please excuse my unfamiliarity, as I'm relatively new to the oil & gas business.
Explanations needed for the following heads:

Type of Pipe – assume that is a # that identifies the Description of Pipe

Number of Connections – no connections listed on these profiles

RCN – abbreviation please

Depreciation – I understand the word, but can't draw a relation to the # 16 while considering the yr. it was installed

RCNLD –abbreviation please. I assume it is the calculation of RCN + depreciation

M-VALUE 'M' abbreviation please

Thanks again, I really appreciate your help.

James D. Gilpin
Leasing Manager, Tribute Resources Inc.
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Mobile: 519-870-6909

From: Brisebois, Rick [<mailto:RICK.BRISEBOIS@mpac.ca>]
Sent: Thursday, September 25, 2014 9:03 AM
To: James Gilpin
Subject: RE: Pipeline assessment assistance request

Hi James,

Attached is the requested information for the 3 roll numbers.

As per Sec 25 of the Assessment Act, pipe line companies are to submit a report of their pipe every March. For these 3 properties we have not received a report for years. Could you please ensure a report is issued even if there are no changes.

If you have any questions I'm in the office today.

Thanks.

Rick Brisebois M.I.M.A.
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Centralized Properties – Linear
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