



EB-2015-0277

**Mr. Ron Tolmie
Motion to Review and Vary**

**Union Gas Limited
Enbridge Gas Distribution Inc.**

**Applications for pre-approval of the cost consequences of long-term natural gas
transportation contracts with NEXUS Gas Transmission**

**NOTICE OF MOTION TO REVIEW AND VARY
AND
PROCEDURAL ORDER NO. 1
October 5, 2015**

The EB-2015-0166 / EB-2015-0175 proceeding concerns applications filed by Union Gas Limited (Union) and Enbridge Gas Distribution Inc. (Enbridge) for the pre-approval of the cost consequences of their respective long-term transportation contracts with NEXUS Gas Transmission commencing November 1, 2017 (NEXUS Proceeding).

On September 17, 2015, Mr. Ron Tolmie, an intervenor in the NEXUS proceeding, declared his intent to file evidence. On September 22, 2015, Mr. Tolmie filed a description of his proposed evidence. In the description, Mr. Tolmie noted that his evidence would consist of reports from the National Energy Board, the Ontario Energy Board (OEB), the Independent Electricity System Operator (IESO), other government agencies, and data from Statistics Canada.

In Procedural Order No. 2, dated September 25, 2015, the OEB stated that it would not accept Mr. Tolmie's evidence as it is out of scope in the context of the issues being considered in the NEXUS proceeding.

On September 29, 2015, Mr. Tolmie filed a letter stating that the evidence he intends to file in the NEXUS proceeding is directly related to three of the four issues described in the Issues List.

Although Mr. Tolmie labeled his request as an “appeal”, the OEB’s only means of reviewing and amending a decision is through a motion to review under Rule 40 of the *Rules of Practice and Procedure*. The OEB will therefore treat Mr. Tolmie’s letter as a Motion to Review (the Motion). Pursuant to Rule 42, a Notice of Motion must set out the grounds for the motion that raise a question as to the correctness of the order or decision, which grounds may include:

- I. error in fact;
- II. change in circumstances;
- III. new facts that have arisen;
- IV. facts that were not previously placed in evidence in the proceeding and could not have been discovered by reasonable diligence at the time.

The OEB has determined that it will hear the Motion in writing. Parties are invited to make submissions following the schedule presented below.

The OEB adopts Union, Enbridge and the intervenors in the EB-2015-0166 / EB-2015-0175 proceeding as parties to this proceeding. Intervenors found eligible for costs in the EB-2015-0166 / EB-2015-0175 proceeding are deemed eligible for costs in this proceeding. A list of intervenors for EB-2015-0277 is attached as Schedule A to this order.

Accordingly, the OEB will make provisions for the following procedural matters. Further procedural orders may be issued from time to time.

THE OEB THEREFORE ORDERS THAT:

1. The parties listed in Schedule A are granted intervenor status in the proceeding. Intervenors that were granted cost eligibility in the EB-2015-0166 / EB-2015-0175 proceeding are also granted cost eligibility in this proceeding.
2. Any party wishing to respond to the arguments presented in Mr. Tolmie’s letter of September 29 shall file written submission with the OEB, and deliver them to all other parties in this proceeding, no later than **October 13, 2015**.
3. If Mr. Tolmie wishes to respond to any of the submissions filed by other parties, he shall file such submissions with the OEB, and deliver them to all other parties, on or before **October 20, 2015**.

All filings to the OEB must quote file number **EB-2015-0277**, be made electronically through the OEB's web portal at www.pes.ontarioenergyboard.ca/eservice in searchable / unrestricted PDF format. Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address.

All filings shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available, parties may email their documents to the address below.

For all electronic correspondence and materials related to this proceeding, parties must include in their distribution lists Case Manager, Lawrie Gluck at Lawrie.Gluck@ontarioenergyboard.ca, OEB Counsel, Michael Millar at Michael.Millar@ontarioenergyboard.ca and OEB Counsel, Ian Richler Ian.Richler@ontarioenergyboard.ca.

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

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
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Filings: <https://www.pes.ontarioenergyboard.ca/eservice/>
E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

ISSUED at Toronto, October 5, 2015

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

SCHEDULE A

NOTICE OF MOTION TO REVIEW AND VARY AND PROCEDURAL ORDER NO. 1

APPLICANTS AND LIST OF INTERVENORS

OEB FILE NO. EB-2015-0277

DATED: October 5, 2015

Ron Tolmie
EB-2015-0277

APPLICANT & LIST OF INTERVENORS

October 05, 2015

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