

December 1, 2015

**VIA RESS AND COURIER**

Ms. Kirsten Walli  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
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**Cindy Kou**  
Direct 416-862-5738  
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File No. T1002922

Dear Ms. Walli:

**Re: EB-2015-0120: Union Gas Limited (Union) Sudbury Expansion Project.**

**Industrial Gas Users Association (IGUA) Request for Notification of Further Correspondence and Filings.**

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We write as legal counsel to IGUA to register our concern over the lack of notice regarding Union's change requests in regards to the Ontario Energy Board's (OEB's) July 9, 2015 decision in the captioned matter to grant Union leave to construct a natural gas pipeline and ancillary facilities in the City of Greater Sudbury (the Decision).

On the afternoon of November 25, 2015, we received Ms. Pascale Duguay's decision of the same date approving Union's November 17, 2015 change requests in regards to the Decision. Ms. Duguay's letter was the first notice IGUA received of Union's requests to defer the construction of the proposed Victoria Mine pipeline, despite being an intervenor of record in the underlying application. We appreciate Ms. Duguay copying registered intervenors in the proceeding.

We now understand that Union has made, and has been granted, four change requests since the Decision, the first two approved by letter dated August 28, 2015, and the latter two by approved letter dated November 25, 2015. We received no prior notice of either of these applications to vary the Decision. IGUA would have expected that Union provide such notice to us as counsel to an intervenor of record in this proceeding.

Throughout this proceeding, IGUA has actively supported the expeditious expansion of Union's distribution capacity in the Sudbury area. IGUA applied for, and was granted, intervenor status in this proceeding on April 20, 2015 and April 24, 2015, respectively. We posed interrogatories and provided a submission that emphasized the need of IGUA's members in the Sudbury area for additional capacity as well as the importance to IGUA that the expansion project be built expeditiously. IGUA submitted, *inter alia*, its concerns about the slow progress of its discussions with Union regarding its members' need for

more distribution service capacity in the Sudbury area; its decision to not file evidence or examine witnesses from Union in this proceeding to avoid delaying Union's execution of the expansion; and its encouragement of a further application by Union to expand its Sudbury system.

Despite these earlier expressed views, we are not pursuing substantive concerns regarding Union's change requests or the OEB's approval of them. We request, however, that, moving forward, Union ensure that intervenors of record receive, in a timely manner, copies of all further correspondence and filings in this proceeding.

Sincerely,

**GOWLING LAFLEUR HENDERSON LLP**



Cindy Kou

c: M. Murray (Union)  
W.T. Wachsmuth (Union)  
S. Rahbar (IGUA)  
C. Schuch (OEB Staff)  
Z. Crnojacki (OEB Staff)  
P. Duguay (OEB Staff)  
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Intervenors of Record

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