

**Ontario Energy Board**  
P.O. Box 2319  
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Toronto ON M4P 1E4  
Telephone: 416-481-1967  
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**Commission de l'énergie  
de l'Ontario**  
C.P. 2319  
27<sup>e</sup> étage  
2300, rue Yonge  
Toronto ON M4P 1E4  
Téléphone: 416-481-1967  
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**BY E-MAIL**

February 5, 2016

Mark Murray  
Manager, Regulatory Projects and Land Acquisition  
Union Gas Limited  
P.O. Box 2001  
50 Keil Drive North  
Chatham, ON N7M 5M1

### **LETTER OF DIRECTION**

Dear Mr. Murray:

**Re: Union Gas Limited  
Panhandle Relocation Project  
Board File Number EB-2015-0366**

On January 7, 2016, Union Gas Limited (Union) applied to the Ontario Energy Board (OEB) under s. 90(1) of the *Ontario Energy Board Act, 1998* for leave to construct in connection with the relocation of two natural gas pipelines in the City of Windsor (the Panhandle Relocation Project).

Union's application for leave to construct included a request for "an exemption, pursuant to s. 95 of the Act, from any requirement to hold a hearing". The OEB has determined that there are no "special circumstances" within the meaning of s. 95 that would warrant a departure from the usual leave to construct requirements. The OEB in previous decisions has interpreted "special circumstances" to mean circumstances that are "unusual or uncommon".<sup>1</sup> None of the factors identified in Union's application are unusual or uncommon enough to justify an exemption under s. 95, although they may be relevant to the OEB's consideration of whether leave to construct should be granted in this case.

The OEB has therefore issued a Notice of Hearing for Union's application. The English and French versions of the Notice will be published by the OEB, in accordance with directions to the OEB's agent which were copied to you. Please note that you must comply with the directions in paragraphs 2 and 3 below **prior to February 17, 2016**, which is the publication date of the newspaper in which the Notice will appear last. If you are unable to comply with the directions within this timeframe, you must inform the Board Secretary immediately.

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<sup>1</sup> See, for example, the Decision and Order dated April 30, 2015, re Enbridge Gas Distribution Inc.'s proposed Wilkesport Gathering Line (EB-2015-0033).

You are directed:

1. To conduct a search of title forthwith, sufficient to determine the current registered property owners and encumbrancers with lands or interest in the lands directly affected by the proposed pipeline and related facilities.
2. No later than the date the Notice is posted on Union's website in accordance with paragraph 3, to arrange for the service of both the English and French versions of the enclosed Notice, in the exact forms accompanying this letter, and the application and the evidence, directly on each of the following:
  - a. all property owners and encumbrancers with lands or interest in lands identified in the search of title referred to in paragraph 1 above
  - b. the clerk of the City of Windsor
  - c. all Aboriginal communities that have been consulted or with lands or interest in the lands directly affected by the proposed pipeline and related facilities
  - d. the Métis Nations of Ontario, Lands, Resources and Consultation Office, 75 Sherbourne St., Suite 222, Toronto, Ontario M5A 2P9
  - e. all affected utilities and railway companies
  - f. members of the Ontario Pipeline Coordinating Committee
3. To make a copy of both the English and French versions of the Notice, the application and evidence, and any amendments thereto, available for public review at Union's office and in a prominent place on Union's website.
4. To file with the OEB an affidavit in both electronic and paper forms proving completion of the matters in paragraphs 1, 2 and 3 above, immediately thereafter.
5. To provide a copy of both the English and French versions of the Notice, the application and evidence, and any amendments thereto, to anyone requesting the material.

You are further directed not to include any documents or materials when serving the Notice other than documents or materials expressly required by this letter of direction to be served.

Yours truly,

*Original Signed By*

Kirsten Walli  
Board Secretary

Encl.