

John A.D. Vellone
T (416) 367-6730
F (416) 361-2758
jvellone@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King St W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



April 27, 2016

Delivered by RESS, Email & Courier

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

**Re: Procedural Matters in EB-2016-0004
File No. EB-2016-0004**

We are counsel to the Municipality of Kincardine, the Municipality of Arran-Elderslie and the Township of Huron-Kinloss (the “Municipalities” or “South Bruce”). This correspondence is intended to address various procedural matters that arose during the pre-hearing conference on April 26, 2016.

- 1. Interrogatory Responses.** The Township of Edwardsburgh Cardinal did not respond to our interrogatory R14.South Bruce.Edwardsburgh.1. We acknowledge there has been a large volume of prefiled material in this proceeding. We expect the failure to respond may have been an unintentional oversight. As a result, we have attached the question again for ease of reference and will send separate correspondence directly to the Township bringing this to their attention. If this question can be answered in writing, we do not expect to have any cross examination questions for the Township. South Bruce is not seeking an order of the Board under Rule 27.03 of the Board’s *Rules of Practice and Procedure* at this time. We have reviewed all of the other responses to the South Bruce IRs, and are comfortable that any clarification of the responses can be sought during cross-examination.
- 2. South Bruce Witness Panel.** The South Bruce witness panel will consist of Mayor Anne Eadie, Mayor Paul Eagleson, Mayor Mitch Twolan, Dr. Lawrence Murphy, Mr. John Todd, and Mr. Bruce Bacon. The only days the South Bruce witness panel is available are either May 9th or May 10th. Mr. Todd is scheduled to be in Fredericton preparing for a National Energy Board proceeding immediately prior to these dates, and in Manitoba following these dates for another proceeding. The 3 Mayors have County Council meetings on May 5th which they are required to attend. Finally Mayor Twolan has

meetings in Washington DC on May 6th in his capacity of Chair of the Great Lakes Council. We trust that these scheduling limitations can be accommodated and we appreciate the Board's consideration of this matter.

- 3. Cross-Examination.** We are working through our review of the interrogatory responses and will provide our time estimates for cross-examination on or prior to noon on Friday, April 29, 2016 as requested.

Yours truly,

BORDEN LADNER GERVAIS LLP

Original signed by John A.D. Vellone

John A.D. Vellone

Copy to: Michael Millar, OEB Counsel
Mayor Patrick Sayeau, Township of Edwardsburgh Cardinal
Mayor Anne Eadie, Municipality of Kincardine
Mayor Paul Eagleson, Municipality of Arran-Elderslie
Mayor Mitch Twolan, Township of Huron-Kinloss
Dr. Lawrence Murphy
Mr. John Todd
Mr. Bruce Bacon
Mr. Mark Rodger
Intervenors of Record

JMR/jv

Appendix “A”
R14.South Bruce.Edwardsburgh.1.

3 – Southern Bruce (TEC) – Question 1

Reference: i) Page 3

Preamble: We understand that the Township has an existing franchise agreement with Union Gas, and that Union Gas provides service in parts of the township already. On this basis, we understand the Township’s preference is to continue to work with Union Gas to service other parts of the township – this makes good sense.

The South Bruce municipalities do not have an existing franchise with Union Gas, and Union Gas does not provide service in the South Bruce municipalities. Rather, following a competitive RFP process the South Bruce municipalities have entered into a franchise agreements with EPCOR, and the South Bruce municipalities would prefer to work with EPCOR to service the municipalities.

- a) Is the Township is suggesting that other municipalities, such as the South Bruce municipalities, must be forced to deal with Union Gas rather than another company? If yes, why? If no, why not?
- b) If Union Gas refused to complete the desired expansion in the Township territory, would the Township prefer to have no gas service in that area or would the Township consider working with another distributor if they were able to provide service in that area?
- c) Does the Township believe that other municipalities, such as the South Bruce municipalities, should be given a fair and equal access to any potential cross subsidies that might be made available to facilitate gas system expansions? If no, why not?