

September 22, 2016

BY COURIER & RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2016-0186 – Reply to Technical Conference Request

We are legal counsel to Union Gas Limited ("Union") in this matter. This letter is in response to the correspondence from Mr. Dwayne Quinn dated September 21, 2016 filed on behalf of the Federation of Rental-housing Providers of Ontario ("FRPO") and correspondence from the Industrial Gas Users Association ("IGUA") dated September 22, 2016 to request a technical conference in this matter.

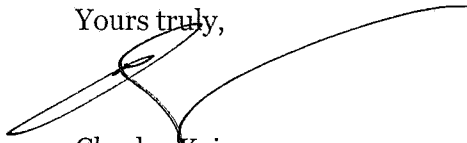
In particular we note that the basis of Mr. Quinn's request is his interpretation of certain interrogatories that focus on the pipeline's physical flows at Ojibway and from Ojibway to Dawn. In particular, he questions the maximum capacity at Ojibway set out in interrogatory response FRPO.6 relative to gas receipts referenced in interrogatory response FRPO.20. Mr. Quinn's letter suggested that Union's interrogatory responses, on the surface, did not reconcile. Union does not agree and the responses provided by Union are clear. As Mr. Quinn acknowledges, FRPO.6 references 210 TJ/d is the maximum volume that can be imported through the Ojibway Valve Station because of the limitations imposed by the Presidential Permit. Mr. Quinn then refers to interrogatory response FRPO.20 and questions the reconciliation of the capacity referenced relative to that in FRPO.6. However, FRPO.20 clearly states in the response that it relates not just to Ojibway, but instead "...provides the Daily Receipts (GJ) for last three winters for the Panhandle System at Ojibway and Dawn ..." (emphasis added). The distinction between the two interrogatory responses is clear.

It appears that based on Mr. Quinn's September 21 letter and his earlier letter of August 26, 2016, the purpose of his request is to conclude whether to file expert evidence regarding such flows. The purpose of expert evidence is to provide an independent authoritative view on the subject matter in question. It is not unreasonable to conclude that an expert put forward to speak to the physical flow of gas at Ojibway would possess such knowledge independent of the views of Union. As a result, it is not apparent why (given the clarity of Union's responses) further inquiry is needed or, in particular, FRPO requires any delay in the September 23, 2016 deadline to declare that expert evidence will be adduced.

With respect to the comments of IGUA, Union's responses have clearly and sufficiently answered the questions asked not only in the above circumstances but also generally. As a result, a technical conference is not required.

As expressed by Union in its letter of September 19, 2016, relating to its interrogatory responses, timing is critical given the immediate need, the lack of available firm capacity on the Panhandle System and the need for Union to meet its targeted in-service date. As a result, if the Board concludes that a technical conference is required, then Union requests that it be scheduled the week of October 3, 2016 and that parties be required to provide the areas of inquiry or specific questions in advance. Union proposes that the remainder of the schedule set out in Procedural Order No. 1 remain the same except that intervenors wishing to file evidence be permitted to do so on October 21 instead of October 14, 2016.

Yours truly,

A handwritten signature in black ink, appearing to read 'Charles Keizer', with a long, sweeping horizontal stroke extending to the right.

Charles Keizer

CK/ed

cc: EB-2016-0186 (2016 Rates) Intervenors
Karen Hockin, Union Gas Limited

11229-2159 22160446.2