



EB-2016-0351

Natural Resource Gas Limited

Application for approval to sell natural gas distribution system

PROCEDURAL ORDER NO. 1

March 29, 2017

Natural Resource Gas Limited (Natural Resource Gas) filed an application with the Ontario Energy Board (OEB) on December 1, 2016 under section 43(1)(a) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval to sell its natural gas distribution system to EPCOR Natural Gas Limited Partnership (EPCOR Natural Gas). The application was amended on January 25, 2017.

A Notice of Hearing was issued on February 23, 2017. Each of Union Gas Limited (Union Gas), the Integrated Grain Processors Co-operative Inc. (IGPC), EPCOR Natural Gas, and the Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. VECC also applied for cost eligibility. No objection was received from Natural Resource Gas.

Union Gas, IGPC, EPCOR Natural Gas, and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. I have also determined that VECC is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

The OEB will determine later in the process whether an oral hearing is required in this case.

Confidentiality Requests

In accordance with the OEB's *Practice Direction on Confidential Filings* and pursuant to Rule 10 of the OEB's *Rules of Practice and Procedure*, Natural Resource Gas requests confidentiality for certain portions of the Asset Purchase Agreement (APA), filed as part of the application. Natural Resource Gas states that it has redacted information to protect "personal information" within the meaning of the *Freedom of Information and Protection of Privacy Act* as well as information that is considered by Natural Resource Gas and EPCOR Natural Gas to be commercially sensitive.

Natural Resource Gas filed a non-confidential redacted version of the APA and a cover letter setting out its reasons for the confidentiality requests. Natural Resource Gas also filed two confidential unredacted versions of the APA - one reflecting the commercially sensitive information and another fully unredacted version, reflecting both the commercially sensitive information and the personal information.

As an interim measure, the OEB will allow any parties that wish to review the confidential information that Natural Resource Gas says is commercially sensitive to do so after signing a copy of the OEB's Declaration and Undertaking, and filing it with the OEB. The OEB will not allow any parties to review the identified personal information filed in confidence until the OEB has determined whether the disclosure of the personal information is permitted under the *Freedom of Information and Protection of Privacy Act*.

The *Practice Direction on Confidential Filings* permits any party to a proceeding to object to the requests for confidentiality by filing a written objection. This Procedural Order addresses the process for receiving such objections. Subsequent to any and all submissions received pursuant to this Procedural Order, the OEB will make its findings with respect to Natural Resource Gas' claims for confidentiality.

Interrogatories

At this time, provision is being made for written interrogatories.

Parties should not engage in exploration of items that are not relevant to the OEB's review of a consolidation application. While the OEB recognizes that there are no specific filing requirements for natural gas utility consolidation applications, in developing interrogatories, parties should be guided by the Handbook to Electricity Distributor and Transmitter Consolidations for what the OEB generally considers in its review.

In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's *Rules of Practice and Procedure* regarding required naming and numbering conventions and other matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors may make written submissions concerning Natural Resource Gas' confidentiality requests. Any such submissions must be filed with the OEB and delivered to Natural Resource Gas and all intervenors by **April 10, 2017**.
2. Natural Resource Gas shall file with the OEB and deliver to all intervenors any reply submissions relating to the confidentiality requests by **April 20, 2017**.
3. OEB staff and intervenors shall request any relevant information and documentation from Natural Resource Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **April 25, 2017**.
4. Natural Resource Gas shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **May 16, 2017**.

All filings to the OEB must quote the file number, EB-2016-0351, be made in searchable/ unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two

paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Judith Fernandes at judith.fernandes@oeb.ca, James Sidlofsky at james.sidlofsky@oeb.ca and Martine Band at martine.band@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **March 29, 2017**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original Signed By

Kristi Sebalj
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
LIST OF PARTIES
NATURAL RESOURCE GAS LIMITED
EB-2016-0351
March 29, 2017

Natural Resource Gas Limited
EB-2016-0351

APPLICANT & LIST OF INTERVENORS

March 29, 2017

APPLICANT

Rep. and Address for Service

Natural Resource Gas Limited

Brian Lippold

General Manager
Natural Resource Gas Limited
39 Beech St. E.
P.O. Box 307
Aylmer, ON N5H 2S1

Tel: 519-773-5321
Fax: 519-773-5335
brian@nrgas.on.ca

Rep. and Address for Service

EPCOR Utilities Inc.

Bruce Brandell

Director
EPCOR Utilities Inc.
2000-10423 101 St. NW
Edmonton AB T5H 0E8
Tel: 780-412-3720
Fax: Not Provided
bbrandell@epcor.com

APPLICANT COUNSEL

Britt Tan

Legal Counsel
EPCOR Utilities Inc.
2000-10423 101 St. NW
Edmonton AB T5H 0E8
Tel: 780-412-3998
Fax: Not Provided
btan@epcor.com

Natural Resource Gas Limited

EB-2016-0351

APPLICANT & LIST OF INTERVENORS

- 2 -

March 29, 2017

Sander Duncanson

Osler Hoskin & Harcourt LLP

Suite 2500

TransCanada Tower

450 - 1st St. S.W.

Calgary AB T2P 5H1

Tel: 403-260-7078

Fax: 403-260-7024

sduncanson@osler.com

INTERVENORS

**EPCOR Natural Gas Limited
Partnership**

Rep. and Address for Service

Bruce Brandell

Director

EPCOR Utilities Inc.

2000-10423 101 St. NW

Edmonton AB T5H 0E8

Tel: 780-412-3720

Fax: Not Provided

bbrandell@epcor.com

Britt Tan

Legal Counsel

EPCOR Utilities Inc.

2000-10423 101 St. NW

Edmonton AB T5H 0E8

Tel: 780-412-3998

Fax: Not Provided

btan@epcor.com

Natural Resource Gas Limited

EB-2016-0351

APPLICANT & LIST OF INTERVENORS

- 3 -

March 29, 2017

**Integrated Grain Processors
Co-operative Inc.**

Jim Grey

CEO

Integrated Grain Processors Co-operative Inc.

89 Progress Drive

P.O. Box 205

Aylmer ON N5H 2R9

Tel: 519-765-2575

Fax: Not Provided

jgrey@igpc.ca

Scott Stoll

Counsel

Aird & Berlis LLP

181 Bay Street

Suite 1800, Box 754

Brookfield Place

Toronto ON M5J 2T9

Tel: 416-865-4703

Fax: 416-863-1515

sstoll@airdberlis.com

Union Gas Limited

Patrick McMahon

Manager

Union Gas Limited

50 Keil Drive North

P.O. Box 2001

Chatham ON N7M 5M1

Tel: 519-436-5325

Fax: 519-436-4641

pmcmahon@uniongas.com

Natural Resource Gas Limited

EB-2016-0351

APPLICANT & LIST OF INTERVENORS

- 4 -

March 29, 2017

**Vulnerable Energy
Consumers Coalition**

Cynthia Khoo

Legal Counsel (External)
Public Interest Advocacy Centre
1139 College St.
Toronto ON M6H 1B5
Tel: 604-725-5484
Fax: Not Provided
ckhoo@piac.ca

Mark Garner

Project Manager
Econalysis Consulting Services
34 King Street East, Suite 630
Toronto ON M5C 2X8
Tel: 647-408-4501
Fax: 416-348-0641
markgarner@rogers.com