



**EB-2016-0030**

**Application by Mr. Achiel Kimpe to determine the amount and method to calculate storage rights compensation in the Bentpath Designated Gas Storage Pool operated by Union Gas Limited, located in the Township of Dawn-Euphemia in Lambton County**

**NOTICE OF APPLICATION AND PROCEDURAL ORDER NO. 1  
March 31, 2017**

On January 6, 2017 the Ontario Energy Board (OEB) received an application dated December 27, 2016 by Mr. Achiel Kimpe (Mr. Kimpe) under section 38(3) of the *Ontario Energy Board Act, 1998* (OEB Act). Mr. Kimpe owns land within the boundaries of the Bentpath Designated Storage Area (Bentpath Pool) which has been operated by Union Gas Limited (Union Gas) since 1974.

Mr. Kimpe does not have a storage rights agreement with Union. He is therefore eligible to apply under section 38(3) of the OEB Act to ask the OEB to determine the appropriate compensation in respect of the right to store gas.

Specifically, Mr. Kimpe has asked:

- that the amount of compensation be calculated using a methodology based on the volume of storage space instead of the current acreage-based method
- that the compensation, be paid to Mr. Kimpe by Union retroactively back to 1974, plus interest

Union Gas is deemed to be a party in this proceeding.

The OEB will hold a hearing to consider certain aspects of Mr. Kimpe's application as described below. At the end of this hearing, the OEB will decide what, if any, compensation will be allowed.

Since 1974, when the OEB designated and authorized operation of the Bentpath Pool, the OEB has determined the quantum of storage rights compensation to Mr. Kimpe

through a number of decisions for the periods from 1974 to 1990 and from 2000 to 2008 through a series of decisions (EBO 46, EBO 64(1) and EBO 64(2) and RP-2000-0005). Mr. Kimpe was an applicant in each of these cases. The OEB will not examine storage rights compensation for the periods already covered by these OEB decisions. Therefore, this hearing will only consider any storage rights compensation to which Mr. Kimpe may be entitled for the period from January 1, 1991 to December 31, 1999, and for the period from January 1, 2009 to present (the Relevant Time Periods).

The OEB will require Union Gas to produce information regarding any compensation paid to Mr. Kimpe for the Relevant Time Periods, as well as information on the methodology used to establish this compensation. Once this information is filed, the OEB will make provision for questions and for submissions from all parties.

The OEB will determine at a later date whether to proceed by way of written or oral hearing for this proceeding.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

**IT IS THEREFORE ORDERED THAT:**

1. Union Gas shall file all information regarding any compensation paid to Mr. Kimpe for the period from January 1, 1991 to December 31, 1999, and for the period from January 1, 2009 to present, including information regarding the methodology used to establish this compensation by **April 13, 2017**.
2. Mr. Kimpe may file any information in addition to the application and evidence already filed by **May 15, 2017**.
3. OEB staff, Mr. Kimpe and Union Gas shall file any questions that are relevant to the application and evidence filed by Mr. Kimpe or to the information filed by Union Gas, with the OEB and provide a copy to all parties by **May 29, 2017**.
4. Mr. Kimpe and Union Gas shall file responses to any questions with the OEB and copy all parties by **June 29, 2017**.

All filings to the OEB must quote the file number, EB-2016-0030 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed. 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.

All communications from Union Gas and OEB Staff to Mr. Kimpe must be sent to his mailing address and sent by e-mail to the attention of Mr. Kimpe c/o Mr. Anthony Rizzetto, at MP Bob Bailey's Office at the addresses below.

### **ADDRESS**

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**DATED** at Toronto, March 31, 2017

**ONTARIO ENERGY BOARD**

**By delegation, before: Kristi Sebalj**

*Original signed by*

Kristi Sebalj  
Registrar