

May 10, 2017

Sander Duncanson
Direct Dial: (403) 260-7078
sduncanson@osler.com

Filed via RESS

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2016-0351
Natural Resource Gas Limited (“NRG”)
Application for Leave to Transfer Gas Distribution System (“Application”)
Response to Tribute Resources Inc. (“Tribute”) Intervention Request**

Further to the Board’s Procedural Order No. 2 dated May 8, 2017, NRG is opposed to Tribute’s late intervention request in the above-noted proceeding.

Tribute’s intervention request fails to comply with the requirements set out in section 22 of the Board’s *Rules of Practice and Procedure* (“Rules”). Among other things, Tribute has failed to describe the nature and scope of its intended participation in the proceeding, how it will be affected by the Application, and the reasons why Tribute was unable to meet the original deadline for intervention requests as set out in Procedural Order No. 1 (particularly in light of the fact that Tribute’s letter acknowledges that it was aware of the Application in February of this year). Granting Tribute intervenor status when it has failed to comply with the Board’s Rules and established filing deadlines, without any justification, would be unfair to all other parties (including NRG) who have followed the Board’s process to date.

Furthermore, Tribute does not have a “substantial interest” in the proceeding, as required by s. 22.02 of the Rules. Tribute is not a customer of NRG. Tribute’s stated interest is related to curtailment from production wells, which is irrelevant to the Application at hand and the Board’s “no harm” test. The appropriate forum to raise those types of concerns would be to either: (a) file a complaint against NRG for non-compliance with the Board’s Gas Distribution Access Rule; or (b) raise this concern at NRG’s next rate hearing, where NRG’s Competitive Market Study (which addresses, among other things, availability of other gas suppliers to the utility) will be considered. Although NRG disagrees with how Tribute has characterized these issues in its letter, the current proceeding is not the appropriate forum to debate those issues.

For these reasons, NRG opposes Tribute's late intervention request.

Yours truly,

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

Sander Duncanson

cc: Bill Blake, Tribute Resources Inc.
Laurie O'Meara, Natural Resource Gas Limited