



May 10, 2017

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Attention: Ms. Kirsten Walli, Board Secretary

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

Dear Ms. Walli:

**Re: EB-2016-0351
Natural Resource Gas Limited (“NRG”) Application for Approval to Sell Natural
Gas Distribution System (“Application”) to EPCOR Natural Gas Limited
Partnership (“EPCOR”)
Tribute Resources Inc./On-Energy Corp. (together, “Tribute”) Intervention
Request**

We are in receipt of the Board’s Procedural Order No. 2 dated May 8, 2017, regarding Tribute’s late intervention request in the above-noted Application. EPCOR is opposed to this request.

Tribute’s intervention request does not comply with Section 22.05 of the Board’s *Rules of Practice and Procedure* (the “Rules”) which requires filing and serving a notice of motion, which includes the information required by Section 22.03, as well as reasons for the late application. Not only has Tribute not filed a notice of motion with the required Section 22.03 information, Tribute has provided no reasons for the late application. To the contrary, Tribute acknowledges that it was aware of the Application in February, 2017, but did nothing until just a few days ago after “hear[ing] the NRG EPCOR case is back on”. However, the Application was never “off” and the fact that Tribute did not monitor and did not review its status until May 3, 2017, nearly two months after the deadline for intervenors, is not a sufficient reason for the late application.

In addition, Tribute has not adequately described its interest in the proceeding and, in fact, does not appear to have a substantial interest as is required by Section 22.02 of the Rules. Whether Tribute has available supply is not relevant to the “no harm” test applicable to this Application, rather, is a matter, if even factually correct, relevant in the context of a rates application.

Granting late intervenor status to Tribute would be contrary to the Rules and would cause an undue and unfair delay in the Application process. NRG and EPCOR have gone through considerable effort and expense in this Application and all other intervenors have complied with the Rules. It is in all parties’ interests to address and dispose of the Application in a timely way.

For above reasons, EPCOR opposes Tribute's late intervention request.

Yours truly,

Bruce Brandell, Director, Corporate Development
EPCOR Natural Gas Limited Partnership

cc: Bill Blake, Tribute Resources Inc., via email