

Rep: OEB
Doc: 11HP2
Rev: 0

E.B.O. 123

IN THE MATTER OF the Ontario Energy Board Act., R.S.O.
1980, Chapter 332;

AND IN THE MATTER OF an Application by Union Gas
Limited pursuant to Section 35 of the said Act, for a Regulation
designating certain lands as a gas storage area;

AND IN THE MATTER OF an Application by Union Gas
Limited pursuant to Section 21 of the said Act for authority to
inject gas into, store gas in and remove gas from the said areas
and to use the land in the said areas for such purposes.

ADDENDUM TO THE REPORT OF THE BOARD

BEFORE: R. R. Perdue, Q.C., Presiding Member

P. E. Boisseau, Member

J. A. DeKort, Member

ADDENDUM TO THE REPORT OF THE BOARD

On July 9, 1986, Mr. Kenneth A. Colebrook, a landowner who intervened in the hearing held in Sarnia, wrote to the Board Secretary and requested his costs for participating in the proceeding. This request was supplemented by a further letter dated September 25, 1986.

The Board informed Union Gas Limited (Union) of this request and on November 13, 1986, during a hearing pursuant to an application by other intervenors to vary the cost award they received (O.E.B. File No. E.B.O. 123-A), Union's counsel, L. G. O'Connor, Q.C. and Special Counsel were invited to make submissions on Mr. Colebrook's application.

P. R. Elliott, Q.C., Special Counsel, objected to Mr. Colebrook's request. He argued that Mr. Colebrook did not oppose Union's application to extend the boundaries of the pool and was more concerned with the question of compensation once the extended boundaries were approved by Regulation. Mr. O'Connor agreed and submitted that Mr. Colebrook's intervention did not contribute to the Board's finding of communication between the Pool and Baslen-18. Mr. Colebrook was not present at this hearing.

The Board has considered Mr. Colebrook's entitlement to costs carefully and is of the opinion that, although he did not significantly contribute to the understanding of communication, as a landowner he did have a direct interest in the outcome of the proceedings and is thus entitled to some costs. His account, which he submitted to the Board Secretary under cover of his September 25 letter, indicated certain out-of-pocket expenses. The Board finds that Mr. Colebrook did incur some expense, and fixes his costs in the sum certain of \$500.00.

Union is therefore directed to pay the said amount to Mr. Colebrook within five days of the issuance of the Board's Order giving effect to this Decision.

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DATED at Toronto this 18th day of December, 1986

<signed>
P.E. Perdue
Presiding Member

<signed>
P.E. Boisseau
Member

<signed>
J.A. Dekort
Member