

**Union Gas Limited**

**Application for certificates of public convenience and  
necessity for Norfolk County, the County of Elgin,  
and the County of Middlesex**

**PROCEDURAL ORDER NO. 4  
February 5, 2018**

Union Gas Limited (Union Gas) applied to the Ontario Energy Board (OEB) on February 24, 2017, under section 8 of the *Municipal Franchises Act*, for an order amending Union Gas' authorizations to construct gas works and supply gas in Norfolk County, the County of Elgin and the County of Middlesex (the Counties). Natural Resource Gas Limited (NRG), EPCOR Natural Gas Limited Partnership (EPCOR), and OM Limited Partnership (OMLP) are intervenors in the proceeding.

In accordance with Procedural Order No. 1, issued September 20, 2017, OEB staff and intervenors filed interrogatories, and Union Gas responded to those interrogatories. As part of its response to OEB staff's interrogatories, Union Gas also filed maps with the OEB identifying all of Union Gas' existing gas mains in the Counties and requested that these maps be treated as confidential.

The OEB issued Procedural Order No. 2, on October 16, 2017, and ordered Union Gas, EPCOR, NRG and OMLP to convene a settlement conference on November 2, 2017.

Pursuant to Procedural Order No. 2, Union Gas filed with the OEB on November 3, 2017, a letter indicating that there was no settlement proposal arising from the settlement conference. Union Gas indicated, however, that there was agreement between the parties to exchange additional information and continue discussions.

On November 9, 2017, Union Gas filed another letter with further details regarding the process agreed to by the parties during the settlement conference, and requested that the deadline to submit a settlement proposal be extended to January 31, 2018. This request was supported by EPCOR.

Also on November 9, 2017, EPCOR filed a letter advising that NRG had transitioned its participation in the proceeding to EPCOR given that the transaction for EPCOR to acquire the assets of NRG had closed.

The OEB granted the extension sought in Procedural Order No. 3.

Pursuant to Procedural Order No. 3, Union Gas filed on January 30, 2018, a letter indicating that there was no settlement proposal arising from settlement discussions. Union Gas requested an opportunity to update its application by February 16, 2018 given the information that was clarified during settlement discussions.

EPCOR filed a letter on January 31, 2018 expressing a concern with Union Gas' request to use information from settlement discussions in filing Union Gas' updated application. EPCOR submitted that the settlement discussions and the information exchanged were confidential and without prejudice, as per the OEB's *Rules of Practice and Procedure*.

Both Union Gas and EPCOR proposed that the OEB establish dates for the filing of final written submissions on the outstanding issues identified in the updated application, as per Procedural Order No. 3.

The OEB will grant the request from Union Gas to update its application by February 16, 2018. The OEB will also allow for intervenors to submit evidence if they choose to do so. The intervenors shall notify the OEB of their intention to submit evidence by March 5, 2018. The parties are reminded to refrain from using or sharing information arising out of the settlement conference, which conference was held in confidence. The OEB will also provision for interrogatories on Union Gas' updated evidence and any evidence filed by the intervenors.

The OEB considers it 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 Limited shall file any updates to its application on or before **February 16, 2018**.
2. Parties requiring additional information related to Union Gas updated evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the OEB and delivered to all other parties on or before **February 23, 2018**.
3. Union Gas Limited shall file with the OEB complete responses to the interrogatories and deliver them to all other parties on or before **March 2, 2018**.
4. EPCOR Natural Gas Limited Partnership and OM Limited Partnership shall advise the OEB on whether they will file evidence by **March 5, 2018**.
5. EPCOR Natural Gas Limited Partnership and OM Limited Partnership may file evidence (Intervenor Evidence) with the OEB and deliver it to all other parties on or before **March 9, 2018**.
6. Parties requiring additional information related to the Intervenor Evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the OEB and delivered to all other parties on or before **March 23, 2018**.
7. Responses to the interrogatories on the Intervenor Evidence shall be filed with the OEB and delivered to all other parties on or before **March 30, 2018**.

All filings with the OEB must quote the file number **EB-2017-0108**, and be made through the OEB's web portal at <https://www.pes.oeb.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must be received by the OEB by 4:45 p.m. on the stated date. Parties should use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.ca](http://www.oeb.ca). If the web portal is not available, parties may e-mail their documents to the attention of the Board Secretary at [BoardSec@oeb.ca](mailto:BoardSec@oeb.ca).

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**DATED** at Toronto, **February 5, 2018**

**ONTARIO ENERGY BOARD**

**By delegation, before:**

*Original signed by*

Pascale Duguay  
Manager, Applications Policy and Climate Change