



**EB-2018-0013**

**Union Gas Limited**

**Application for leave to construct a natural gas transmission pipeline and associated facilities in the Town of Lakeshore and the Town of Kingsville in the County of Essex**

**PROCEDURAL ORDER NO. 3**

**July 17, 2018**

Union Gas Limited (Union Gas) applied to the Ontario Energy Board (OEB) under s.90(1) of the *Ontario Energy Board Act, 1998* for an order granting leave to construct approximately 19 kilometres of natural gas transmission pipeline in the Town of Lakeshore and the Town of Kingsville in the County of Essex (Kingsville Transmission Reinforcement Project or Proposed Project).

The original application was filed on January 26, 2018 and included a request for recovery of project costs through application of an Incremental Capital Module (ICM) mechanism. For reasons explained in the OEB's letter to Union Gas dated February 27, 2018, the OEB determined that it would not hear issues related to the recovery of project costs through an ICM mechanism at this time and asked Union Gas to notify the OEB if it still wished to proceed with the remainder of its application. By letter dated March 5, 2018, Union Gas confirmed its intention to proceed with its application and seek leave to construct the Kingsville Reinforcement Project. The OEB commenced its review of Union Gas' leave to construct application on March 5, 2018.

The OEB issued a Notice of Hearing on March 21, 2018. Building Owners and Managers Association, Greater Toronto (BOMA), Industrial Gas Users Association (IGUA) and the Ontario Greenhouse Vegetable Growers (OGVG) applied for and were granted intervenor status and cost eligibility. In its intervenor request IGUA stated that the decision to hold a written or oral hearing should be made after responses to interrogatories are filed.

The OEB issued Procedural Order No. 1 on April 23, 2018 setting the timeline for interrogatories. OEB staff and IGUA delivered written interrogatories. Union Gas filed responses to the interrogatories on May 22, 2018.

The OEB reviewed the responses to the interrogatories and the evidence and determined that it needed further clarification and information. In Procedural Order No. 2, dated June 25, 2018, the OEB asked Union Gas questions on three issues: (i) Long-term system expansion plans for the Panhandle System; (ii) Multiple needs served by the Proposed Project; and (iii) Economics of the Proposed Project. On July 9, 2018, Union Gas filed responses to the OEB's questions.

On June 27, 2018, the City of Kitchener (Kitchener) made a late request for intervenor status in this proceeding. Kitchener stated that it recently became aware of the "direct impact" of the Union Gas application on its rates. On July 3, 2018 Union Gas filed a letter responding to Kitchener's late intervention request.

### **Form of Hearing**

Upon conclusion of written discovery no party requested that the OEB hold an oral hearing. Given the clarification provided by Union on July 9<sup>th</sup>, the OEB has decided to proceed with a written process.

### **The Kitchener Request for Intervenor Status**

Union Gas did not take a position in its July 3, 2018 letter on whether the OEB should grant intervenor status to Kitchener. However, Union Gas said that Kitchener should not be permitted to raise issues related to rates.

The OEB will grant Kitchener intervenor status, as it is an embedded gas distributor in the Union South franchise territory and the proposed project may have an impact on Kitchener. The OEB also confirms that Kitchener is accepting the record as it stands.

Kitchener will not be eligible for cost awards consistent with Section 3.05 of the OEB's *Practice Direction on Cost Awards* that indicates municipalities (among other parties) are not eligible for cost awards.

Regarding the request that copies of all documents related to the application issued by applicant or intervenors be forwarded to Kitchener, the OEB notes that the documents currently on the record of this proceeding are available on the OEB website under Board File No. EB-2018-0013 at this [link](#). The OEB expects that Union, OEB staff and intervenors will include Kitchener in its circulations of future filings in this matter.

The updated list of parties in this proceeding is attached as Schedule A to this procedural order.

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 a written argument-in-chief and serve it on all other parties on or before **July 31, 2018**.
2. Intervenors and OEB staff shall file their written submissions, if any, and serve them on all other parties on or before **August 14, 2018**.
3. Union Gas shall file its reply submission, if any, and serve it on all other parties on or before **August 28, 2018**.

All filings to the Board must quote the file number, EB-2018-0013 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://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 <https://www.oeb.ca/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 Registrar at the address below, and be received no later than 4:45 p.m. on the required date.

**ADDRESS**

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

E-mail: [boardsec@oeb.ca](mailto:boardsec@oeb.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, July 17, 2018  
**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary