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October 31, 2018

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Sent By Electronic Mail, Courier and RESS Electronic Filing

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27-2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2018-0247: Application for Leave to Transfer Certificates of Public Convenience and Necessity

Re: Correspondence of Union Gas Limited ("Union") dated October 30, 2018

We write in response to Union's letter dated October 30, 2018 wherein Union purported to request a "revised procedural schedule". On behalf of the applicants, EPCOR Southern Bruce Gas Inc., along with EPCOR Utilities Inc. and EPCOR Natural Gas Limited Partnership (collectively, "**EPCOR**"), we object to Union's request and respectfully ask that the Ontario Energy Board (the "**OEB**") proceed to written submissions in accordance with Procedural Order No. 1 dated October 25, 2018. In light of the current deadline of October 31, 2018 for Union and OEB Staff submissions, EPCOR is amenable to extending the deadline for Union's written submission, if any, to November 5, 2018.

Union has been aware of this proceeding as early as Friday September 28, 2018 when it received a copy of the OEB's Notice along with EPCOR's Application and Evidence. Union filed a request for intervenor status shortly thereafter, on Tuesday October 2, 2018, notwithstanding that the deadline for intervention was October 15, 2018.

In its request for intervenor status, Union did not raise any of the issues stated in its letter of October 30 pursuant to Rule 22.03(c), nor did Union state the fact that it had insufficient time to study EPCOR's Application and Evidence pursuant to Rule 22.04. Instead, Union advised the OEB that it was "Union's intention to monitor the proceeding." Consequently, the OEB granted intervenor status pursuant to Rule 22.09 on conditions it considered appropriate, namely that Union was entitled to file any written submissions on or before October 31, 2018.

EPCOR's Application seeks an administrative change to the specific EPCOR entity holding the Certificates of Public Convenience and Necessity for the Municipality of Arran-Elderslie, the Municipality of Kincardine and the Township of Huron-Kinloss (collectively, the "**Certificates**"), from EPCOR Southern Bruce Gas Inc. to EPCOR Natural Gas Limited Partnership.

The issues that Union wishes to raise through an interrogatory process are irrelevant to EPCOR's Application and appear to be an attempt to muddy the issues before the OEB and delay this application.

First, there is no question that the OEB has the jurisdiction to transfer the Certificates pursuant to section 18 of the *Ontario Energy Board Act, 1998*.

Second, the other "issues" raised by Union, namely "other Certificates that will be required in order to provide service to the Southern Bruce municipalities", "whether there has or will be a transfer of assets and franchise agreements between the utilities and the related process", and "the potential impact on Union of the services that EPCOR is seeking in order to provide gas distribution services to the Southern Bruce municipalities" are not relevant to the current Application before the OEB. Should Union wish to raise these issues during a more appropriate proceeding, then it is free to do so.

EPCOR respectfully requests that the OEB move to receive written submissions and proceed to a final disposition of this matter, while granting a brief indulgence to Union to prepare and submit its written submissions on or before November 5, 2018.

Please do not hesitate to contact me if you have any questions.

Yours very truly,



Patrick G. Welsh

PW:vs

c (email only): Bruce Brandell, *EPCOR Utilities Inc.*
Britt Tan, *EPCOR Utilities Inc.*
Richard King, *Osler, Hoskin & Harcourt LLP*
Patrick McMahon, *Union Gas Limited*