

July 29, 2020

E-FILING

Ms. Christine Long
Registrar and Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, Ontario M4P 1E4

Dear Ms. Long,

Re: EB-2019-0166 – Lagasco Inc. Natural Gas Pipelines

On behalf of the intervenors, The Municipality of Chatham-Kent, the County of Elgin, Haldimand County, the County of Lambton, the Municipality of Bayham, Township of Malahide, Municipality of Central Elgin, Township of Southwold, Municipality of Dutton Dunwich, and the Municipality of West Elgin (the “Municipalities”), we are submitting the following interrogatories to the Applicant, Lagasco Inc. (“Lagasco”) pursuant to the Board’s Procedural Order No. 1 herein dated July 17, 2020, paragraph 1.

For purposes of these interrogatories, the underground natural gas pipelines in issue include the pipelines in Haldimand County shown on Schedule A to Lagasco’s Notice of Application, and all “similarly situated” pipelines referred to in the OEB’s Notice of this Application. Capitalized terms and abbreviations used herein are as defined in the Affidavit of Jane E. Lowrie in support of the Application (“Lowrie Affidavit”).

Accordingly, the Municipalities request the following relevant information and documents from Lagasco in advance of any further steps in this matter:

1. A copy of any terms of or attachments to the purchase agreement between Lagasco and Dundee referred to at paragraph 3 of the Lowrie Affidavit that describe the underground natural gas pipelines in issue;
2. A copy of any available, up to date plan or plans of the natural gas gathering system referred to at paragraph 5 of the Lowrie Affidavit, including the “similarly situated” pipelines;
3. Copies of all MPAC property assessment notices referred to in paragraphs 8 and 9 of the Lowrie Affidavit, including any such notices for “similarly situated” pipelines;
4. Copies of any other documents reviewed by Lagasco during its due diligence referred to in paragraph 9 of the Lowrie Affidavit that relate to the assessment of the underground natural gas pipelines in issue, including any notices, appeals, or other documents filed by Dundee with MPAC in any taxation year;

5. Copies of any documents obtained by Lagasco (or Dundee) from or issued by the TSSA in respect of the underground natural gas pipelines in issue;
6. Copies of any documents that establish or recognize the distinction referred to in paragraph 18 of the Lowrie Affidavit, including any legislative provisions that are not reproduced or referred to elsewhere in the Lagasco Application and supporting evidence;
7. Copies of all documents provided to Robert Koller and/or Deloitte LLP, or gathered by them in the course of their investigations related to the expert report (“Deloitte Report”) attached as Exhibit “A” to the Affidavit of Robert Koller in support of the Application (“Koller Affidavit”), including all “Information” as defined in paragraph 11) thereof, and including without limitation;
 - a. Copies of all written notes or records of Robert Koller and/or Deloitte LLP of the discussions referred to in paragraph 13)a) of the Deloitte Report; and
 - b. The Letter of Representation referred to in paragraph 13)d) thereof;
8. Copies of any documents or information regarding the valuation methods or approaches used by Lagasco for the purposes of the acquisition of the underground natural gas pipelines in issue from Dundee;
9. Copies of all annual reports of gas production and gas reserves at each licenced well connected to or serviced by the natural gas gathering system in issue during each relevant tax year or fiscal year; and
10. Copies of any other records kept in the ordinary course of business that show the volume of gas produced at each licenced well connected to or serviced by the natural gas gathering system in issue. And any other gas volumes carried by the underground natural gas pipelines in issue during each relevant year.

Yours truly,



M. Philip Tunley
Partner
MPT/am