



**EB-2008-0146**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Sched. B)

**AND IN THE MATTER OF** a proceeding initiated by the Ontario Energy Board to determine whether it should order new rates for the provision of natural gas, transmission, distribution and storage services to gas-fired generators (and other qualified customers) and whether the Board should refrain from regulating the rates for storage of gas.

**AND IN THE MATTER OF** Rules 7 42, 44 and 45.01 of the Board's *Rules of Practice and Procedure*.

### **NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1**

On July 24, 2008, Union Gas Limited ("Union" or the "Moving Party") filed a Motion to vary (the "Motion") a portion of the Settlement Agreement, dated June 13, 2006 in The Natural Gas and Electricity Interface Review ("NGEIR") with the Ontario Energy Board (the "Board"). The NGEIR proceeding was commenced on the Board's own motion on December 29, 2005. As part of the Settlement Agreement in the NGEIR proceeding parties agreed to the following: "once sufficient operating experience has been gained and in any event no later than March 31, 2009, interested customer groups and Union will convene to evaluate and discuss the experience and success of the services offered as a result of this proceeding." The Board orally approved the Settlement Agreement as part of the NGEIR proceeding.

This Motion to vary has been assigned Board File No. EB-2008-0146.

The relief requested in Union's Motion is for:

An order varying that portion of the Settlement Agreement, at page 12, in the [NGEIR] proceeding, EB-2005-0551, that required interested customers and Union to convene (the "Power Services Review") no later than March 31, 2009 to discuss and evaluate the experience and success of the new ex-franchise services (the "Power Service") being offered as a result of NGEIR. Union requests that the deadline for the Power Services Review meeting be changed from March 31, 2009 to March 31, 2010;

The Board is prepared to hear the motion on its merits, and parties to the Settlement Agreement in the NGEIR proceeding will be given the opportunity to comment and object on the relief sought by Union. The Board finds it appropriate to hear this matter by way of written hearing unless any party provides a good reason why it should proceed by way of an oral hearing.

The Board accepts as intervenors in this proceeding, the list of parties to Union's settlement, as listed at pages 5 and 6 of the agreement. This list is attached as Appendix A. The Board has been informed by various parties that, since the issuance of the NGEIR decision, their contact information has changed. These changes have been incorporated into Appendix A.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further Procedural Orders from time to time.

**THE BOARD THEREFORE ORDERS THAT:**

1. Union shall file its argument on or before **August 8, 2008** with respect to the substantive issues. The argument shall be filed with the Board and copied to all intervenors.
2. Any intervenor may file a submission in response to Union's argument on the substantive issue. Intervenor submissions shall be filed with the Board and copied to Union and all intervenors no later than **August 15, 2008**.
3. Union shall file its written reply on or before **August 22, 2008**. The reply argument shall be filed with the Board and copied to all intervenors.

4. The Board may order costs in this proceeding. Any party that was determined to be eligible for costs in the Settlement Agreement reached in EB 2005-0551 shall be eligible for costs in this proceeding. Any party that is not automatically eligible for costs but expects to seek costs in this proceeding shall file a letter with the Board and copy Union no later than **August 29, 2008** which letter shall provide the grounds for the party's eligibility for costs. Union will have until **September 5, 2008** to object to any new cost eligibility request. Requests for cost eligibility and the determination of cost awards will be addressed in accordance with the Board's Practice Direction on Cost Awards. Union will be ordered to pay the cost awards for this proceeding.

All filings to the Board must quote file number EB-2008-0146, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available you may e-mail your document to [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca). Those who do not have internet access are required to submit all filings on a CD or diskette 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 Board Secretary, and be received no later than **4:45 p.m.** on the required date.

**ISSUED** at Toronto, August 1, 2008

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**APPENDIX "A"**  
**TO**  
**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1**  
**BOARD FILE NO: EB-2008-0146**  
**ISSUED: AUGUST 1, 2008**

**LIST OF PARTICIPANTS TO  
UNION SETTLEMENT AGREEMENT IN NGEIR (EB-2005-0551)**

**Revised: August 1, 2008**

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