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August 21, 2008

VIA COURIER

Reference: 9483/3643

Board Secretary
Ontario Energy Board
27th Floor, 2300 Yonge Street
Toronto, ON M4P 1E4

Re: Union Gas Limited and
Re: Pipeline to Supply Natural Gas to Halton Hills Generating Station,
Town of Halton Hills, Regional Municipality of Halton and
Re: **Application for Approval to Expropriate Land**
Section 99 Ontario Energy Board Act, 1998

Dear Sir:

We have been retained as counsel to Union Gas in connection with the above-referenced project and are filing the within application on behalf of our client, Union Gas Limited.

The Project

The project is to construct approximately 4.5 kilometres of Nominal Pipe Size 20 natural gas pipeline and ancillary facilities in the Town of Halton Hills and the Town of Milton for the purpose of supplying natural gas to the Halton Hills Generating Station currently being construct by TransCanada Energy Limited near the south-west corner of Steeles Avenue and the 6th Line in the Town of Halton Hills. Under OEB File Reference EB-2008-0024, Union Gas by way of the Order of the Board dated June 16, 2008 obtained leave under Subsection 90(1) of the *Ontario Energy Board Act, 1998* to construct the project.

Property Acquisition to Implement the Project

As part of its June 16, 2008 Order, the Board found that Union Gas properly followed OEB Guidelines in selecting the proposed route and that the location of the propose route as described in the Order is acceptable from both the environmental and socio-economic perspectives provided that Union Gas observes the recommendations contained in the EA Report prepared by Stantec Consulting Limited as filed with the Board. Although much of the pipeline will be constructed within public road allowances that are subject to franchise agreements with the respective municipalities, the project will require the acquisition of permanent and temporary easement rights from a number of landowners. Union Gas has succeeded in entering into agreements with a number of the owners to acquire the necessary permanent and temporary easement rights but has been unable to negotiate agreements for acquisition of these rights with, at the time of this application, two landowners.

Application for Approval to Expropriate

On the basis of the inability of Union Gas to negotiate and voluntarily secure from the individual landowners the necessary easement rights, we would ask that you treat this letter as the initiation of an application to the Board for approval to expropriate permanent and temporary working easements through the lands of the persons listed below, for each one of which a Schedule is appended hereto with particulars as to the current registered owner, a short description of the property and its PIN Parcel reference in the Land Registry Office at Milton. Each Schedule will identify those persons who are presently reflected on the parcel register as having an interest in the property in the form of an encumbrance or other property interest. Each Schedule will also be accompanied by a draft Reference Plan of Survey which sets forth as Parts designated thereon the lands through which permanent easement rights are sought and those lands through which temporary working easements are sought, which parts are identified on the Schedule. The draft reference plans contain the complete text of the easement rights sought to be expropriated. The properties are as follows, with the numbering corresponding to the attached Schedules:

1. Horticultural Trades Association Inc.
Part Lot 15, Concession 6, Geographic Township of Trafalgar, New Survey, Town of Halton Hills
PIN Parcel 25073-0027(LT)
2. Triple Whisky Farms Limited
Part Lot 12, Concession 5, Geographic Township of Trafalgar, New Survey, Town of Milton
PIN Parcel 25075-0033(LT)

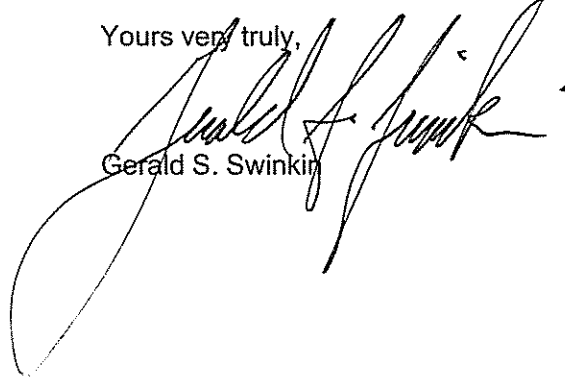
Request for Hearing

In accordance with the provisions of Section 99 of the *Ontario Energy Board Act, 1998*, we request on behalf of Union Gas that the Board fix a date for the hearing of these applications and provide its directions with respect to the giving of notice for the purpose of this hearing. Although there are a number of distinct properties covered by this application, as this is a linear project, the logic of the location of which has already been comprehensively canvassed through the environmental assessment, we anticipate that there would be a single hearing with respect to the application relating to all of these properties.

In accordance with the provisions of Section 99 of the *Ontario Energy Board Act, 1998*, the purpose of this hearing is strictly to authorize the expropriation of the particular rights in the locations designated on the reference plans of survey, the matter of compensation to be determined through a separate process under the *Expropriations Act*.

Should the Board require any further or other information for the purpose of dealing with this request, please do not hesitate to contact us. We will advise you to the extent that Union Gas negotiates voluntary acquisition of any of these interests and revise our application accordingly.

Yours very truly,

A large, stylized handwritten signature in black ink, which appears to read "Gerald S. Swink". The signature is written over the typed name and extends to the left and right.

Gerald S. Swink

GSS/ml
encls.

c: M. Murray
B. Wachsmith
B. Wilton
(e-mailed only)

21789229.1

Schedule 1

Owner

Horticultural Trades Association Inc.
Part Lot 15, Concession 6, Geographic Township of Trafalgar, New Survey, Town of Halton
Hills, Regional Municipality of Halton

Easement Rights Required by Expropriation

Permanent Easement rights required through Parts
Cunningham McConnell Limited Plan File No.

Temporary Easement Rights required through Parts
Cunningham McConnell Limited Plan File No.

Land Registry Office Parcel Reference

PIN Parcel 25073-0027(LT)

Encumbrances

Landscape Ontario Horticultural Trades Foundation
Charge by Instrument No. H33232

Address for Service: 7856 Fifth Line South, Station Main, Rural Route No. 4, Milton, ON L9T
2X8

Schedule 2

Owner

Triple Whisky Farms Limited
Part Lot 12, Concession 5, Geographic Township of Trafalgar, New Survey, Town of Milton,
Regional Municipality of Halton

Easement Rights Required by Expropriation

Temporary Easement Rights required through Parts
Cunningham McConnell Limited Plan File No.

Land Registry Office Parcel Reference

PIN Parcel 25075-0033(LT)

Encumbrances

Nil