



EB-2008-0304

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

AND IN THE MATTER OF an Application by Westcoast Energy Inc. and Union Gas Limited for leave pursuant to section 43(2) of the *Ontario Energy Board Act, 1998*, (the "Act") for the transfer of a controlling interest in Union Gas limited to a limited partnership; and

AND IN THE MATTER OF an Application by Westcoast Energy Inc. and Union Gas Limited pursuant to section 21(4) of the Act for the Board to dispose of this application without a hearing.

PROCEDURAL ORDER NO. 1

Westcoast Energy Inc. ("WEI") and Union Gas Limited ("Union"), (together the "Applicants") filed an application, dated September 15, 2008, (the "Application") with the Ontario Energy Board (the "Board") pursuant to section 43(2), of the *Ontario Energy Board Act, 1998*, (the "Act") requesting leave of the Board to transfer a controlling interest in Union Gas Limited from WEI to a limited partnership proposed to be organized under the laws of Ontario. The Applicants seek leave on their own behalf and on behalf of the limited partnership to be organized. The Applicants requested that the Board dispose of this application without a hearing pursuant to section 21(4) of the Act. The Applicants also requested that the Board issue a decision not later than November 26, 2008.

On October 1, 2008 the Board issued a Notice of Application served on all parties to Board File No. EB-2008-0606 advising that the Board was considering disposing of this proceeding without a hearing and inviting parties to make submissions as to whether the Board should do so. Affidavits of Service were received on October 3, 2008. On

October 6, 2008 the Applicants replied by e-mail to the parties and provided responses to the Board's October 1, 2008 request for further information and clarifications.

On October 6, 2008, School Energy Coalition ("SEC") submitted an objection to proceeding without a hearing and proposed a written hearing and discovery process followed by submissions and a decision by the Board on how to proceed further after such submissions.

On October 9, 2008, the City of Kitchener submitted a request for intervenor status in the application and opposed disposition of the application without a hearing.

On October 10, 2008, the Consumers Council of Canada ("CCC") filed a request for intervenor status.

On October 8, 2008, the Canadian Manufacturers & Exporters ("CME") filed a request for intervenor status.

The Board has considered the requests and grants intervenor status to SEC, the City of Kitchener, CME and CCC. Furthermore, the Board has determined that SEC, CME and CCC are eligible to apply for an award of costs under its Practice Direction on Cost Awards. The Practice Direction and related forms are available on the Board's Web site at www.oeb.gov.on.ca.

The Board has decided to proceed initially with a written hearing.

Please be aware that this Procedural Order may be amended and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. An intervenor or Board staff who wish information or material that is in addition to the Applicant's evidence, and that is relevant to the Application, shall request the same by written interrogatories filed with the Board and delivered to all intervenors on or before Wednesday October 22, 2008
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2. Responses by the Applicant to the interrogatories shall be filed with the Board and delivered to all intervenors on or before Tuesday October 28, 2008.
3. The Board may hold an oral hearing on Monday November 3, 2008 at the Board's Hearing Rooms if necessary to allow intervenors and Board Staff to obtain further clarification on the application. The Board may allow argument and submissions to be made at such an oral hearing. If so, the order would be that the Applicants oral argument would be heard, followed by oral submissions on behalf of Board Staff and the intervenors and then the Applicants reply submission. If argument and submissions are not completed at the oral hearing the following dates will apply.
4. The Applicants may file written argument with the Board and delivered to all intervenors on or before Thursday November 6, 2008.
5. Intervenors and Board Staff may file written submissions with the Board and delivered to the Applicants and all intervenors on or before Wednesday November 12, 2008.
6. The Applicants may file a reply submission with the Board and delivered to all intervenors on or before Tuesday November 18, 2008.

All filings to the Board must quote file number EB-2008-0304, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and email address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to 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 at the address below, and be received no later than 4:45 p.m. on the required date.

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

Attention: Ms. Kirsten Walli
Board Secretary

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
Email: boardsec@oeb.gov.on.ca

DATED at Toronto October 15, 2008.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

EB-2008-0304
UNION GAS LIMITED / WESTCOAST ENERGY INC. MAAD

LIST OF APPLICANTS
EB-2008-0304

LIST OF APPLICANTS AND INTERVENORS

October 15, 2008

Applicants	Contact Information
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2. Union Gas Limited ("Union")	Mr. Mark Kitchen Director, Regulatory Affairs Union Gas Limited 50 Keil Drive North Chatham ON N7M 5M1 Tel: 519-436-5275 Fax: 519-436-4641 Email: mkitchen@spectraenergy.com
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Intervenors

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("CCC")**

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4. **School Energy Coalition**

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