



**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 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. 2 AND NOTICE OF ORAL HEARING**

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.

On October 15, 2008, the Board issued Procedural Order No. 1 which:

- 1) granted intervenor status to four parties – School Energy Coalition (“SEC”), the City of Kitchener, the Consumers Council of Canada (“CCC”) and the Canadian Manufacturers and Exporters (“CME”);
- 2) invited intervenors and Board staff to submit interrogatories by October 22, 2008 and Applicant’s responses were to be filed by October 28, 2008;
- 3) tentatively set an oral hearing date for November 3, 2008;
- 4) set dates for written argument and written submissions, if they were not completed at an oral hearing;

Board Staff and intervenors filed their interrogatories by October 22, 2008.

On October 28, 2008, the Applicants filed their responses to intervenors' and Board Staff's interrogatories.

The Board has now decided to proceed by way of an oral hearing and sets November 7, 2008 as the date for the hearing.

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

**THEREFORE THE BOARD ORDERS THAT:**

1. The Board will hold an oral hearing on Friday, November 7, 2008 commencing at 9:30 a.m. at the Board's North Hearing Room to allow intervenors and Board Staff to obtain further clarifications on the application.
2. The Applicants will file an outline of their pre-filed evidence by Tuesday, November 4, 2008 and a witness list, along curriculum vitae for the witnesses.
3. Board Staff and intervenors will file a list of witnesses, if any, they intend to call in reply by Wednesday, November 5, 2008.
4. The Board will hear arguments and submissions at the oral hearing. Applicants' oral argument will be heard first, followed by argument, on behalf of Board Staff and by the intervenors and conclude with the Applicants' reply argument.

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](http://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](http://www.oeb.gov.on.ca). If the web portal is not available you may email 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

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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](mailto:boardsec@oeb.gov.on.ca)

**DATED** at Toronto October 29, 2008.

ONTARIO ENERGY BOARD

*Original Signed By*

Kirsten Walli  
Board Secretary