



EB-2007-0679

IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to determine whether it should re-establish the equivalent terms of the E.B.O. 166 Storage Order for storage contracts between Union and its in-franchise customers.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Cynthia Chaplin
Member

Bill Rupert
Member

PROCEDURAL ORDER NO. 1

The Natural Gas Electricity Interface Review (“NGEIR”) proceeding, file number EB-2005-0551, was initiated by the 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.

The Board held a hearing and issued its Decision with Reasons on the NGEIR proceeding on November 7, 2006. In its decision, the Board identified one of the implementation issues, with reference to Market Hub Partners Canada and Tribute Resources Inc., as follows:

Refrain from rate regulation and contract approval for third-party storage operators. The Board will rescind MHP Canada's and Tribute's Rates Orders.

The Board also noted, as part of refraining from requiring Board approval of storage contracts that it would rescind Blanket Storage Orders. On February 5, 2007 the Board issued an Order rescinding the Union Gas Limited ("Union") Blanket Storage Order (E.B.O. 166, as amended by the settlement in E.B.R.O. 499). On July 4 2007 Union wrote the Board and copied all parties in EB-2005-0551 requesting that the Board re-establish the equivalent terms of the E.B.O. 166 Storage Order for storage contracts between Union and its in-franchise customers. Specifically, Union requested an Order allowing the company to enter into storage contracts with in-franchise customers for volumes up to 2 Bcf for contract terms not exceeding 17 months without the prior approval of the Board. Union expressed a concern that the Board's Order has had the unintended consequence of requiring Union to seek Board approval of certain in-franchise contracts that had been previously exempted from Board review by the Blanket Storage Order.

The Board considers it appropriate to conduct a review of the Order rescinding Union's Blanket Storage Order, and particularly to consider whether an Order should be issued to allow the company to enter into storage contracts with in-franchise customers for volumes up to 2 Bcf for contract terms not exceeding 17 months without the prior approval of the Board.

Union sent its July 4th letter, attached as Appendix A, to all intervenors of record in the EB-2005-0551 proceeding. A list of intervenors from EB-2005-0551 is attached as Appendix B. The intervenors listed in Appendix B shall be considered intervenors for the purpose of this proceeding.

The Board may order costs in this proceeding. Those parties that were eligible for costs in EB-2005-0551 are eligible for costs for the purpose of this proceeding. The Board will

issue details with respect to the filing of cost claims at a later date. Union will be ordered to pay any cost awards for this proceeding

THE BOARD THEREFORE ORDERS THAT:

1. The Board shall conduct a review of the Order rescinding Union's Blanket Storage Order to consider whether an Order should be issued to allow the company to enter into storage contracts with in-franchise customers for volumes up to 2 Bcf for contract terms not exceeding 17 months without the prior approval of the Board.
2. Intervenors wishing to make submissions on the issue of whether an Order should be issued to allow the company to enter into storage contracts with in-franchise customers for volumes up to 2 Bcf for contract terms not exceeding 17 months without the prior approval of the Board shall file their written submissions with the Board, and send a copy to Union, no later than August 3, 2007.
3. Union shall file its reply submissions with the Board, and send a copy to each intervenor, no later than August 17, 2007.
4. All submissions shall be filed with the Board Secretary, 2 hard copies and one electronic copy in searchable/unprotected PDF format through the OEB Web Portal at www.errr.oeb.gov.on.ca. Parties who do not have internet access shall file their submission on a CD or diskette in PDF format. For parties who do not have computer access, submission shall be filed in the form of 10 paper copies. All parties are required to follow the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca, e-Filing Services.

DATED at Toronto, July 20, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary

Appendix A

Union Gas Ltd's. Letter of July 4th, 2007

Procedural Order Number 1

EB-2007-0679



uniongas
A Spectra Energy Company

July 4, 2007

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

Attention: Ms. Kirsten Walli, Board Secretary

Re: Order rescinding Union's E.B.O. 166 Blanket Storage Order

Dear Ms. Walli:

Background

Section 39(2) of the OEB Act stipulates that the Ontario Energy Board ("Board") must approve the parties, term and amount of a storage contract prior to those parties entering into a storage contract.

Prior to the November 7, 2006 NGEIR Decision with Reasons (EB-2005-0551) and the related February 5, 2007 Order (Attachment A), Union operated under the E.B.O. 166 Blanket Storage Order. The E.B.O. 166 Blanket Storage Order dated September 26, 1989 (Attachment B) provided Union with the ability to enter into storage contracts with customers for volumes up to 2 Bcf with terms of 1 year or less without prior approval of the Board.

Further refinements were approved when the Board accepted the E.B.R.O. 499 Settlement Agreement dated November 16, 1998 (Attachment C). The Settlement Agreement modified the Blanket Storage Order as follows:

- (a) The term of the contract may cover no more than one peak period; and*
- (b) The term of the contract may not exceed 17 months.*

When the Blanket Storage Order was in place, Union sought Board approval of storage contracts (in-franchise and ex-franchise) only when a contracts exceeded 2 Bcf or the term exceeded 17 months.

EB-2005-0551 NGEIR Decision and Subsequent Order dated February 5, 2007

The Board concluded the following in its NGEIR Decision with Reasons (Section 5.3, page 74):

"In the previous sections, the Board has found that it will refrain, in part, from regulating storage rates under section 36 (as that section relates to storage) of the OEB Act and refrain from approving certain storage contracts under section 39(2) of the OEB Act.

Specifically:

- The Board will refrain from regulating the storage rates or approving the contracts of new storage providers.*
- The Board will continue to regulate storage rates for bundled, unbundled and semi-unbundled customers of Union and Enbridge (up to the allocated amount).*
- The Board will refrain from regulating the storage rates or approving the contracts of cross-franchise, or ex-franchise, storage customers of Union and Enbridge.*
- The Board will refrain from regulating the rates or approving the contracts for new storage services offered by Union and Enbridge."*

The Board subsequently issued an Order dated February 5, 2007 which stated:

"2. Union's current Blanket Storage Order (E.B.O. 166, as amended by the settlement in E.B.R.O 499) is hereby rescinded." (p.3)

Union understands that the E.B.O. 166 Blanket Storage Order was rescinded to reflect the Board's NGEIR decision to forbear from regulating the storage services Union provides to ex-franchise customers. However, without the E.B.O. 166 Blanket Storage Order, Section 39 (2) of the OEB Act would require Union to file all in-franchise storage contracts for Board approval, irrespective of the amount of storage being contracted for and the term of the contract.

Request

Union requests that the Board re-establish the equivalent terms of the E.B.O. 166 Storage Order for storage contracts between Union and its in-franchise customers. That is, Union is requesting an Order that allows the company to enter into storage contracts with in-franchise customers for volumes up to 2 Bcf and for contract terms not exceeding 17 months without the prior approval of the Board.

Yours truly,


Mike Packer, CMA, CIM
Director, Regulatory Affairs

cc: EB-2005-0551 Intervenor List
Adrian Pye (Board Staff)
Glenn Leslie (Blakes)

Attachments

Ontario Energy
Board

Commission de l'Énergie
de l'Ontario



EB-2005-0551

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.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Cynthia Chaplin
Member

Bill Rupert
Member

ORDER

The Natural Gas Electricity Interface Review ("NGEIR") proceeding was commenced pursuant to sections 19, 29 and 36 of the *Ontario Energy Board Act, 1998*. On December 29, 2005, the Board issued a Notice of Proceeding on its own motion to determine: (a) 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 (b) whether to refrain, in whole or part, from exercising its power to regulate the rates charged for the storage of gas in Ontario by considering whether, as a question of fact, the storage of gas in Ontario is subject to competition sufficient to protect the public interest.

Procedural Order No. 2, issued on February 28, 2006, set out the issues to be addressed in the proceeding. These are summarized as follows:

- I. Rates for gas-fired generators (and other qualified customers), including more frequent nomination windows, firm high deliverability service, unbundled services, inter-franchise movement of gas, redirection of gas to a different delivery point on short notice, and title transfer of gas in storage
- II. Storage regulation and whether the Board should refrain, in whole or part, from exercising its power to regulate the rates charged for the storage of gas in Ontario, including:
 - Is the market competitive?
 - Who should receive cost-based pricing?
 - Who should receive market-based pricing?
 - How should the amount of storage be allocated between the classes of customers?
 - Who should receive the premium?
- III. Transportation capacity bidding process and allocation
- IV. Enbridge rates for large volume customers (Rate 300 Series)

The Board also moved four issues from Union's 2007 rates proceeding (EB-2005-0520) to the NGEIR Proceeding. These issues, as set out in Procedural Order No. 3, were related to storage pricing and storage and transmission deferral accounts.

The Board assigned file number EB-2005-05551 to the Application.

The Board held a hearing and issued its Decision with Reasons on November 7, 2006. In its decision, the Board identified one of the implementation issues, with reference to Market Hub Partners Canada and Tribute Resources Inc., as follows:

Refrain from rate regulation and contract approval for third-party storage operators. The Board will rescind MHP Canada's and Tribute's Rates Orders.

The Board also noted, as part of refraining from requiring Board approval of storage contracts that it would rescind Blanket Storage Orders.

THE BOARD THEREFORE ORDERS THAT:

1. The Rate Orders of Market Hub Partners Canada and Tribute Resources Inc. are hereby rescinded.
2. Union's current Blanket Storage Order (E.B.O. 166, as amended by the settlement in E.B.R.O. 499) is hereby rescinded.

DATED at Toronto, February 5, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary



Attachment B

Ontario
Energy
Board

Commission
de l'Énergie
de l'Ontario

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416.481-1967

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September 26, 1989

Mr. Andrew Mudryj
Solicitor and
Assistant Secretary
Union Gas Limited
Box 2001
50 Keil Drive North
Chatham, Ontario
N7M 5M1

Dear Mr. Mudryj:

Re: Union Gas - Storage of Gas up to 2 Bcf
- Board File No. E.B.O. 166

The Board has now issued its Order in the above matter, and an executed copy thereof is enclosed.

Yours truly,

S.A.C. Thomas
Board Secretary

SACT/kj

Encl.



IN THE MATTER OF the Ontario Energy Board Act, R.S.O. 1980, Chapter 332, and in particular, Section 22 thereof;

AND IN THE MATTER OF an Application by Union Gas Limited to the Ontario Energy Board for approval of certain storage agreements.

BEFORE: S.J. Wychowanec, Q.C.
Presiding Member

O.J. Cook
Member

O R D E R

UPON the application of Union Gas Limited ("Union"), dated December 4, 1988, to the Ontario Energy Board ("the Board") for approval of all present and future agreements entered into with its customers for gas storage for volumes up to a maximum of 2 Bcf for each customer ("the Application");

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AND WHEREAS Union intends to provide the storage service which is the subject of the Application on a short-term basis as an unbundled service and as part of its contract carriage service;

AND WHEREAS the Board had considered a similar proposal for blanket approval of all storage agreements for volumes up to 2 Bcf in Section 6.56 of its Decision with Reasons in E.B.R.O. 412-III et al, dated May 27, 1988, and had concluded that additional experience was desirable prior to such approval being granted;

AND UPON careful examination of this Application;

AND UPON the Board being satisfied that the Application should be granted without a further hearing;

IT IS THEREFORE ORDERED THAT:

1. The parties to, the term of, and the storage that is the subject of presently existing agreements, for the storage of gas between Union and its customers for volumes up to 2 Bcf, listed on Appendix "A" attached hereto, are hereby

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approved subject to the following condition:

Union shall undertake in writing in respect of each agreement that Union is operating in accordance with Board approved guidelines respecting storage queuing.

2. The parties to, the term of, and the storage that is the subject of all future agreements between Union and its customers for the storage of gas, dated subsequent to the date of the application herein, for volumes up to a maximum of 2 Bcf, for each customer are hereby approved subject to the following conditions:

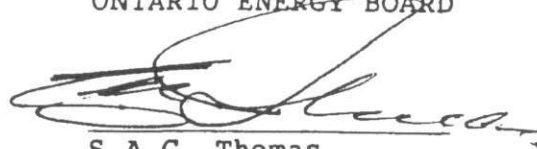
- (1) Union file a copy of each of the agreements with the Board;
- (2) Union shall undertake in writing in respect of each agreement, at the time of filing, that Union is operating in accordance with Board approved guidelines respecting storage queuing; and

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- (3) the maximum term of each agreement shall not exceed one year.

ISSUED at Toronto this 25th day of September,
1989.


ONTARIO ENERGY BOARD

A handwritten signature in dark ink, appearing to read 'S.A.C. Thomas', is written over a horizontal line.

S.A.C. Thomas
Board Secretary

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Appendix "A"
To Board Order
E.B.O. 166 dated
September 25, 1989.



S.A.C. Thomas
Board Secretary

DATE

Consumers Packaging Inc.
PPG Canada Inc.
Canadian Salt Company Limited
CGC Inc.
Domglas Inc.
Amoco Canada Petrochem
General Chemical

July 28, 1988
September 6, 1988
September 9, 1988
August 24, 1988
October 11, 1988
October 13, 1988
October 17, 1988

E.B.R.O. 499

UNION GAS

SETTLEMENT AGREEMENT

November 16, 1998

Given the lack of specificity associated with the 60% deferred portion, parties were not accepting of Union's proposal at this time. Consequently, the parties agreed that the full amount of the market premium will be provided to in-franchise customers by way of a one-time credit and as part of the disposition of Union's other 1998 deferral account balances. Union will continue to track the long term storage premium and any variances separately from other S&T transactional services.

Evidence References:

1. C1/T3 Written Direct Evidence of Mr. Black and Ms. Galbraith
2. Agreement, Appendix F

C.6. Extensions of E.B.O. 166 Blanket Approval

The following parties take no position on this issue: Alliance Gas Management; CENGAS; OAPPA; Tractebel; Consumersfirst Ltd.; the "Alliance"; GEC; HVAC; CAESCO; Comsatec; Nova; NRG; WGSPG; Ontario Hydro; Pollution Probe; TCPL; TCP; Northland Power; Energy Probe and Consumers.

The parties agree that the administration of storage contracts for storage volumes of up to 2 Bcf will be enhanced by the ability to extend the term for contracts falling within the E.B.O. 166 blanket approved parameters beyond one year to enable Union to contract for a term which covers two off peak periods. The terms of this extended blanket approval would be as follows:

- a) the term of the contract may cover no more than one peak period; and
- b) the term of the contract may not exceed 17 months.

The parties agree that the extension of the blanket approval described above will not be to the detriment of Union's storage operations nor to any infranchise customers seeking access to storage services.

The parties agree, subject to the conditions noted, that Union's evidence on this subject should be accepted.

Evidence References:

1. C1/T3 Written Direct Evidence of Mr. Black and Ms. Galbraith

Appendix B

List of intervenors of the NGEIR proceeding EB-2005-0551

ORGANIZATION

CONTACT INFORMATION

1. **Enbridge Gas Distribution Inc.
(Enbridge)**

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AND

Mr. Fred Cass
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2. **Aegent Energy Advisors Inc. (Aegent)** Ms. Valerie Young
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4. **Association of Power Producers of Ontario (APPrO)** Mr. Patrick Moran, Counsel for APPro
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5. **BP Canada Energy Company
(BP Canada)**

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6. **Canadian Association of Petroleum
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**7. Canadian Manufacturers & Exporters
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9. **Commissioner of Competition (the
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10. **Consumers Council of Canada
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11. **Coral Energy Canada Inc.**

)

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14. **EPCOR Utilities Inc. (EPCOR)**

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15. **Greenfield Energy Centre LP (GEC)**

*(Telephone changed October 23, 2006-
additional changed tba)*

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17. **Inco Limited (Inco)**

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18. **Industrial Gas Users Association (IGUA)**

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AND

Mr. Peter L. Fournier
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21. **Low Income Energy Network (LIEN)**

FRC Canada **“NO SIGNATURE REQUIRED”**
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AND

(May 5, 2006)

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AND

(May 5, 2006)

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22. **Market Hub Partners Canada L.P.
(MHP Canada)**

Mr. Jim G. Redford
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AND

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23. **Nexen Marketing Inc. (Nexen)**

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