



File OF-Tolls-Group1-N081-2009-04 01
16 December 2009

Ms. Kristine Delkus
Deputy General Counsel
Pipelines and Regulatory Affairs
NOVA Gas Transmission Ltd.
450 – 1st Street S.W.
Calgary, AB T2P 5H1
Facsimile 403-920-2347

Dear Ms. Delkus:

**NOVA Gas Transmission Ltd. (NGTL) - Application for Approval of
2009 Final Tolls and Charges and Deferral Accounts for the Alberta System**

This is further to the above-noted application dated 30 October 2009 from NGTL.

In its application, NGTL notes that the 2009 interim tolls and charges effective 29 April 2009 (2009 interim tolls) were established by the Board under Order TGI-01-2009, as amended by AO-1-TGI-01-2009. NGTL requests that the 2009 interim tolls be made the final tolls and charges for the period 29 April 2009 to 31 December 2009 (2009 final tolls).

NGTL proposes to establish its 2009 revenue requirement and 2009 final tolls on the basis of a 2008-2009 Revenue Requirement Settlement (Settlement) approved by the Alberta Utilities Commission (AUC) on 17 December 2008 (AUC Decision 2008-133), with modifications necessitated by the change to NEB regulation. The company also proposes to use deferral accounts to capture variances between forecast and actual 2009 amounts.

On 17 November 2009, the Board sought additional information regarding the discussion process leading to the filing of the 30 October 2009 application and financial and throughput information on the company. As well, the Board invited interested persons to comment on NGTL's proposed 2009 revenue requirement and 2009 final tolls as well as the process employed to establish them.

The Board received comments from the Canadian Association of Petroleum Producers, the Industrial Gas Consumers Association of Alberta and the Office of the Utilities Consumer Advocate. These parties indicated that they were signatories to the Settlement approved in

.../2

AUC Decision 2008-133 and had discussions with NGTL regarding 2009 final tolls and expressed support for NGTL's application. No other parties filed comments or expressed objections to NGTL's 30 October 2009 application.

The Board has decided to approve the 2009 final tolls and the deferral accounts as requested by NGTL. In reaching this determination, the Board is mindful of the desire for regulatory certainty and consistency in relation to recognizing the decisions of the AUC, the expressed support of three signatories to the Settlement approved by the AUC and the fact that no interested person expressed objections to NGTL's application. Attached is Order TG-05-2009 giving effect to this decision.

NGTL is directed to serve a copy of this letter on all of the Alberta System shippers and on its Tolls, Tariff, Facilities and Procedures Committee members.

Yours truly,

A handwritten signature in cursive script that reads "AnneMarie Erickson".

Anne-Marie Erickson
Acting Secretary of the Board

Attachment



ORDER TG-05-2009

IN THE MATTER OF the *National Energy Board Act* (Act) and the regulations made thereunder; and

IN THE MATTER OF an application dated 30 October 2009 filed by NOVA Gas Transmission Ltd. (NGTL) under File OF-Tolls-Group 1-N081-2009-04-01 for approval of 2009 final tolls and charges and deferral accounts for the Alberta System pursuant to Part IV of the NEB Act.

BEFORE the Board on 16 December 2009.

WHEREAS NGTL filed an application dated 17 April 2009 for tolls on the Alberta System to be charged on an interim basis effective 29 April 2009;

AND WHEREAS the Board granted the relief sought by NGTL in its 17 April 2009 application and issued Order TGI-01-2009 dated 27 April 2009, approving the requested tolls on an interim basis effective 29 April 2009;

AND WHEREAS the Board issued Amending Order AO-1-TGI-01-2009 dated 26 June 2009, approving the tolls for Pressure/Temperature Service and for Other Service on an interim basis;

AND WHEREAS NGTL filed an application dated 30 October 2009 proposing to establish its 2009 revenue requirement and 2009 final tolls on the basis of the 2008-2009 Revenue Requirement Settlement (Settlement) approved by the Alberta Utilities Commission (AUC) in AUC Decision 2008-133 on 17 December 2008;

AND WHEREAS NGTL requests in its application that the interim tolls approved under TGI-01-2009, as amended, be made final tolls for the period 29 April 2009 to 31 December 2009;

AND WHEREAS NGTL also requests in its application approval for 2009 the deferral accounts as defined in the Settlement with the exception that regulatory hearing costs incurred after 29 April 2009 be included in the Flow-through Costs Deferral Account, together with the balance remaining in the Regulatory Hearing Reserve Account as of 29 April 2009;

.../2

AND WHEREAS on 17 November 2009 the Board invited comments from interested persons and comments were received from the Office of the Utilities Consumer Advocate, the Industrial Gas Consumers Association of Alberta and the Canadian Association of Petroleum Producers supporting NGTL's application;

AND WHEREAS on 9 December 2009 NGTL filed a reply to the comments received;

AND WHEREAS THE Board has considered NGTL's application and comments received, and has decided to grant the relief sought by NGTL;

AND WHEREAS the Board is satisfied that NGTL's applied-for 2009 final tolls are just and reasonable;

THEREFORE, IT IS ORDERED, pursuant to Part IV of the NEB Act, that:

1. NGTL's 2009 interim tolls, which were made effective as of 29 April 2009 under Order TGI-01-2009, as amended by AO-1-TGI-01-2009, are hereby made final for the period ending 31 December 2009; and
2. The deferral accounts as defined in the Settlement are approved as requested, with the exception that regulatory hearing costs incurred after 29 April 2009 be included in the Flow-through Costs Deferral Account, together with the balance remaining in the Regulatory Hearing Reserve Account as of 29 April 2009.

NATIONAL ENERGY BOARD



Anne-Marie Erickson
Acting Secretary of the Board