



EB-2014-0182

Union Gas Limited

Application for leave to construct a natural gas pipelines and ancillary facilities in the Town of Milton and the Town of Oakville and for approval to recover the cost consequences of the development of the proposed Burlington Oakville Project.

DECISION ON MOTION AND PROCEDURAL ORDER NO. 3

May 13, 2015

Union Gas Limited (Union) filed an application with the Ontario Energy Board (OEB) on December 12, 2014 to construct a pipeline and ancillary facilities in the Town of Milton and the Town of Oakville (Burlington Oakville Project) and for approval to recover the cost consequences of the development of the proposed Burlington Oakville Project.

A Notice of Application was issued on January 13, 2015 and was served and published as directed. On February 19, 2015 the OEB issued Procedural Order No. 1 which set the schedule for the hearing.

On March 26, 2015 Union filed its responses to interrogatories from OEB staff and intervenors.

On April 4, 2015, the Ontario Greenhouse Vegetable Growers (OGVG) filed a motion to compel Union to respond fully to certain OGVG interrogatories (the Motion). OGVG requested that Union provide more information in order to allow intervenors to gain a better understanding of the range of potential alternatives to the proposed project considered by Union, including alternative collaborative solutions among Union, TransCanada PipeLines Limited (TransCanada) and Enbridge Gas Distribution Inc. OGVG requested that the OEB order a written process to hear submissions on the merits of the Motion. If the Motion were to be granted, OGVG proposed that a technical conference be held to address the issue and obtain the information on the record.

On April 7, 2015, the Canadian Manufacturers and Exporters filed a letter in support of the Motion including a request for a technical conference. On April 8, 2015 the Association of Power Producers of Ontario filed a submission in support of the Motion.

On April 9, 2015, the OEB issued Notice of Motion to Compel Further and Better Interrogatory Responses and Procedural Order No. 2 (Notice of Motion and Procedural Order No. 2) wherein it invited parties to file written submissions on the merits of the Motion. The OEB also suspended the dates for subsequent steps, as set out in Procedural Order No. 1.

Union updated its responses to the disputed interrogatories on April 14, 2015 and further on April 30, 2015.

In its reply submission, OGVG maintained that Union's updated responses to the disputed interrogatories were not satisfactory and asked the OEB to convene a technical conference and make TransCanada available as a witness in examination of the issues subject to the disputed interrogatories. In a letter filed on May 11, 2015, Union confirmed that it supports a technical conference but opposed OGVG's request that TransCanada be made available for examination. On May 11, 2015 OGVG filed a letter urging the OEB to include TransCanada as a witness at the technical conference.

The OEB finds that the interrogatories fall within the scope of Issue No. 4, and that a technical conference is an appropriate forum to further examine the issue. Issue No. 4 reads as follows:

What are the facilities and non-facilities alternatives to the proposed facilities?
Have these alternatives been adequately assessed and are any preferable to the proposed facilities, in whole or in part?

The OEB will not require that TransCanada participate and be subject to examination at the technical conference. However, the OEB notes that, as an intervenor, TransCanada may choose to attend the technical conference.

The OEB reminds Union that it bears the onus of establishing the public interest in respect to the proposed project.

This Procedural Order will also set the schedule for the filing of intervenor evidence and subsequent procedural steps.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE OEB ORDERS THAT:

1. A technical conference will be convened at 9:30 a.m. on **May 21, 2015**. The technical conference will be held in the Board's West Hearing Room at 2300 Yonge Street, 25th Floor, Toronto
2. Intervenors that wish to present evidence shall file that evidence with the OEB and deliver it to Union and all other parties by **June 4, 2015**.
3. Anyone that requires information and material related to any intervenor evidence, that is in addition to the evidence filed and is relevant to the hearing, shall request it by written interrogatories filed with the OEB and delivered to Union and all other parties by **June 18, 2015**.
4. Responses to the interrogatories on the intervenor evidence shall be filed with the OEB and delivered to Union all other parties by **July 3, 2015**.

All filings to the OEB must quote file number **EB-2014-0182**, be made through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice>, 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 e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the BoardSec@ontarioenergyboard.ca. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies. If you have submitted through the OEB's web portal an e-mail is not required.

All communications should be directed to the attention of the Board Secretary and be received no later than **4:45 p.m.** on the required date.

ADDRESS

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DATED at Toronto, May 13, 2015

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary