



RP-2003-0104

EB-2003-0141

EB-2003-0142

EB-2003-0143

RP-2002-0117

EB-2002-0326

EB-2002-0327

IN THE MATTER OF the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF the *Municipal Franchises Act, 1990*;

AND IN THE MATTER OF an Application by Northern Cross Energy Limited for an order designating a gas storage area;

AND IN THE MATTER OF an Application by Northern Cross Energy Limited for an order authorizing the injection of gas into, storage of gas in, and removal of gas from a gas storage asset;

AND IN THE MATTER OF an Application by Northern Cross Energy Limited for an order granting leave to construct approximately 21.5 kilometres of NPS 8 pipeline;

AND IN THE MATTER OF an Application by Northern Cross Energy Limited for an order granting a limited Certificate of Public Convenience and Necessity;

AND IN THE MATTER OF an Application by Union Gas Limited for an order approving the terms and conditions upon which the Corporation of the Township of Ashfield-Colborne-Wawanosh is by by-law to grant Union Gas Limited the right to construct and operate works for the distribution of gas; the

right to extend and add to the works; and the period for which such rights are granted;

AND IN THE MATTER OF an Application by Union Gas Limited for an order dispensing with the requirement for the assent of the municipal electors of the Township of Ashfield-Colborne-Wawanosh in respect of the by-law;

AND IN THE MATTER OF an Application by Union Gas Limited for an order cancelling and replacing the existing Certificate of Public Convenience and Necessity for a portion of the Township of Ashfield-Colborne-Wawanosh.

PROCEDURAL ORDER No. 4

Northern Cross Energy Limited ("NCE") filed an application, dated May 27, 2003, with the Ontario Energy Board pursuant to sections 36, 38 and 90 of the *Ontario Energy Board Act*, 1998, S.O. c.15, Schedule B, as amended and section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c.M.55. NCE applied to the Board for the orders necessary to designate and operate the existing Ashfield gas production pool, in the Township of Ashfield-Colborne-Wawanosh, as a gas storage facility, for an order granting leave to construct 21.5 kilometres of natural gas pipeline and for an order granting a limited Certificate of Public Convenience and Necessity. The Board assigned the NCE application Board file numbers RP-2003-0104/EB-2003-0141/EB-2003-0142/EB-2003-0143.

Union Gas Limited filed an application, dated April 25, 2002, with the Board pursuant to sections 8 and 9 of the *Municipal Franchises Act*, R.S.O. 1990, c.M.55. Union Gas applied to the Board for an order cancelling the existing Certificate of Public Convenience and Necessity for the Township of Colborne and replacing it with an expanded Certificate of Public Convenience and Necessity for the Township of Ashfield-Colborne-Wawanosh and for an order approving a franchise agreement. The Board assigned the Union Gas application Board file numbers RP-2002-0117/EB-2002-0326/EB-2002-0327.

Union Gas filed a motion with the Board, dated December 12, 2003, seeking an order of the Board dismissing NCE's application for a limited Certificate of Public Convenience and Necessity or, in the alternative, an order combining NCE's application for a limited Certificate of Public Convenience and Necessity with Union Gas' application.

On December 16, 2003 the Board ordered that the application filed by NCE (RP-2003-0104) and the application filed by Union Gas (RP-2002-0117) would be heard together and be combined under Board file number RP-2003-0104.

On January 16, 2004, the Board issued a Notice of Hearing indicating that the oral hearing of the applications would commence on February 2, 2004 in the Board's hearing room.

On January 29, 2004, the Board was informed that all parties consented to an adjournment of the oral portion of the hearing to allow further discussions respecting the applications to take place. The Board will therefore postponed the oral hearing and will issue a further procedural order in due course.

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THE BOARD ORDERS THAT:

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1. The hearing of the applications of Northern Cross Energy Limited and Union Gas Limited, originally scheduled for February 2, 2004, is adjourned sine die.

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ISSUED at Toronto, January 30, 2004.

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ONTARIO ENERGY BOARD

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Paul B. Pudge
Assistant Secretary

