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**RP-2004-0157**

**EB-2004-0240**

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**IN THE MATTER OF** the *Ontario Energy Board Act*,  
1998, S.O. 1998, c. 15, Schedule B;

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**AND IN THE MATTER OF** an Application by Union Gas  
Limited for approval of the parties to, the period of, and the  
storage that is the subject of a long-term storage contract,  
identified as Contract No. LST040, between Union Gas  
Limited and Enbridge Gas Services Inc.

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**BEFORE:**

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Paul Vlahos  
Presiding Member

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Art Birchenough  
Member

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**DECISION AND ORDER**

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**The Application and Evidence**

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By application dated April 6, 2004, Union Gas Limited ("Union") applied pursuant to sub-section 39(2) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B for an order approving, without a hearing, the parties to, the period of, and the storage space that are the subject of a long-term storage service contract. The Board has assigned this application File No. RP-2004-0157/EB-2004-0240.

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Union proposes to assign Contract LST034 from Cargill Limited to Enbridge Gas Services Inc.. The Board approved the parties to, the period of, and the storage that were the subject of Contract LST034 by its Decision and Order dated November 10, 2003, Board File No. RP-2003-0194/EB-2003-0241. The proposed contract, Contract LST040, between Union and EGSI provides for 337,617 GJ (0.32 Bcf) of storage space from April 1, 2004 until March 31, 2007 as a peaking storage service. Other than the change of party and shortening of the period of the contract, from three years and nine months to three years, while maintaining the termination date, the terms and conditions of Contract LST040 are the same as those of Contract LST034. In order to be able to provide EGSI with the

desired services for the period April 1, 2004 until the subject application is dealt with, Union and EGSI have entered into an Enhanced Parking Service Agreement HUB305E1; this agreement satisfies the conditions of the Board's blanket storage exemption.

In its application, Union requested that the negotiated price and certain details concerning the operating parameters of Contract LST040 be held in confidence, per the Board's Rules of Practice and Procedure, on the grounds that this information is commercially sensitive and that its disclosure may harm both the customer's and Union's competitive positions. Consequently, Schedule "A" of the contract, which contains pricing information, was filed confidentially with the Board and is not publicly available.

Union provided evidence that Cargill Limited had requested, in writing, that Contract LST034 be assigned to EGSI. Execution of Contract LST040 is conditional on termination of Contract LST034, termination of Enhanced Parking Service Agreement HUB305E1 and Board approval of Contract LST040.

According to Union, granting this application will not adversely affect Union's rate payers.

### **Board Findings**

The Board has proceeded without a hearing. The Board will grant the confidentiality requested by Union, in accordance with the Board's Rules of Practice and Procedure. The Board finds that approval of the parties to, the period of, and the storage space that are the subject of Contract LST040 and that cancellation of Contract LST034 and Enhanced Parking Service Agreement HUB305E1 are in the public interest.

### **THE BOARD THEREFORE ORDERS THAT:**

1. Subject to the conditions of this Order, the Board approves:

1. the parties to;

2. the period of; and

3. the storage space that is the subject of

Contract LST040, attached to this Order as Appendix "A".

2. Upon execution of Contract LST040, between Union Gas Limited and Enbridge Gas Services Inc., Enhanced Parking Service Agreement HUB305E1, between Union Gas Limited and Enbridge Gas Services Inc., and Contract LST034, between Union Gas Limited and Cargill Limited, are cancelled.

3. The approval granted in this Order is conditional upon: 23
1. Union Gas Limited filing either an original signed copy or a certified copy of the executed Contract LST040 with the Board as soon as it is available; 24
  2. Union Gas Limited filing either an original signed copy of or a certified copy of both the executed agreement terminating Contract LST034 and the executed agreement terminating Enhanced Parking Service Agreement HUB305E1 with the Board as soon as such are available. 25

**DATED** at Toronto, June 3, 2004 26

On behalf of the Panel

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Paul Vlahos  
Presiding Member

**APPENDIX "A" TO  
BOARD DECISION AND ORDER  
IN THE MATTER OF RP-2004-0157/EB-2004-0240  
DATED June 3, 2004  
Appendix "A" is not available electronically**

**Being a copy of a contract for storage services between Union Gas Limited and Enbridge Gas Services Inc., identified as Contract No. LST040, from which certain information including Schedule "A" which contains pricing information is withheld and not currently available to the public.**