



RP-2002-0130

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

**AND IN THE MATTER OF** an Application by Union Gas Limited for an Order or Orders approving or fixing just and reasonable rates and other charges for the sale, transmission, distribution, and storage of gas as of January 1, 2003.

**AND IN THE MATTER OF** the customer review process approved by the Ontario Energy Board in the RP-1999-0017 Decision with Reasons.

### PROCEDURAL ORDER NO. 3

Union Gas Limited ("Union") filed an application dated May 27, 2002, (the "Application") with the Ontario Energy Board (the "Board") under section 36 of the Ontario Energy Board Act, S.O. 1998, c.15, Schedule B. Evidence in support of the Application was filed by Union on June 25, 2002. The Board issued a Notice of Application on July 5, 2002.

The Application is for rates for 2003, the third year of the trial performance based regulation ("PBR") plan approved by the Board in its RP-1999-0017 Decision With Reasons issued on July 21, 2001.

The Board-approved plan requires an annual process to review the application of the price cap, the pass-through of certain cost changes and non-routine adjustments, and the disposition of deferral account balances

On Wednesday, August 7, 2002, a stakeholder consultation was held at which Union outlined its prefiled evidence and received stakeholders' views on whether further evidence was required and where a consensus might be reached.

On August 22, 2002, the Board issued Procedural Order No. 1, setting out the dates for the discovery phase of the proceeding and a Settlement Conference commencing on Thursday, December 5, 2002. Any settlement proposal arising from the Settlement Conference was to be filed with the Board on Friday, December 20, 2002.

A Stakeholder Conference was held on Wednesday, September 18, and Thursday, September 19, to encourage further discovery of Union's prefiled evidence.

On Wednesday, September 25, an Issues Conference was held subsequent to which a proposed issues list was prepared. On Issues Day, Thursday, September 26, 2002, the Board heard submissions on the contested issues and subsequently determined the issues list.

On September 30, the Board issued Procedural Order No. 2, appended to which was the issues list for this proceeding.

On October 28, 2002, Union filed additional evidence including a proposal for the elimination of the delivery commitment credit ("DCC") in addition to updates to previously filed materials.

By letter dated October 29, 2002, Union informed the Board that, due to a number of concurrent regulatory matters requiring immediate attention, it was unable to meet the October 30, 2002 deadline, established in Procedural Order No. 1, for responses to interrogatories. Union requested that the Board extend this deadline to Friday, November 8, 2002.

In light of the new evidence received on October 28 and Union's request of October 29, the Board considers it expedient to amend the dates set out in Procedural Order No. 1.

**THE BOARD ORDERS THAT:**

- 1 With respect to the written interrogatories filed with the Board and Union pursuant to Procedural Order No. 1, Union shall file complete responses with the Board and deliver them to all intervenors as soon as possible, but no later than Friday, November 8, 2002.
- 2 Intervenors and Board Staff may file supplementary interrogatories with the Board and Union by Friday, November 15, 2002, if any interrogatory answers are incomplete or require clarification. With the exception of the recently filed evidence on the DCC, new interrogatories may not be asked. Union shall file complete answers to such supplementary interrogatories by Friday, November 22, 2002.
- 3 Intervenors who wish to present evidence shall file that evidence with the Board and deliver it to Union and the other intervenors on or before Friday, November 29, 2002. A list of Intervenors is attached as Appendix "A" to this Procedural Order.
- 4 Any party, (intervenor, Union) or Board Staff who requires additional information related to the Intervenor's filed evidence and that is relevant to the hearing, shall do so by written interrogatories filed with the Board and delivered to the Intervenor on or before Monday, December 9, 2002. Responses to the interrogatories shall be filed with the Board and delivered to Union and the other Intervenors on or before Monday, December 16, 2002.

5 A Settlement Conference will be convened on Tuesday, January 7, 2003, at 9:00 a.m. with the objective of reaching a settlement among the parties on as many of the issues on the Issues List as possible. The Settlement Conference will be held at 2300 Yonge Street, Toronto in the Board's North Hearing Room on the 25th Floor and may continue until Friday, January 17, 2003. Intervenor s intending to participate in the Settlement Conference shall provide a brief paper setting out their issues, analysis and proposals for the purpose of assisting the settlement process. A copy of the paper shall be forwarded to other Intervenor s, Union and directly to the attention of Board Staff (case manager - James Wightman) no later than Friday, January 3, 2003. The paper will not form part of the public record nor will it be provided to Board members. 22

6 Board staff will provide the parties with its comments paper no later than Friday, January 3, 2003 23

7 Any settlement proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. on Friday, January 24, 2003. 24

8 Any settlement proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. on Friday, January 24, 2003. 25

All filings with the Board noted in the Order must be in the form of 10 hard copies and received by the Board by 4:45 p.m. on the stated date. All parties must also include a copy of their filings on disk in WordPerfect format (or MS Word, if WordPerfect is not available). 26

**ISSUED** at Toronto, November 1, 2002. 27

ONTARIO ENERGY BOARD 28

Peter H. O'Dell  
Assistant Board Secretary

**APPENDIX "A" TO** 29

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DATED November 1, 2002 31

Peter H. O'Dell 32

