



EB-2006-0322
EB-2006-0338

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

AND IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to determine whether it should order new rates for the provision of natural gas, transmission, distribution and storage services to gas-fired generators (and other qualified customers) and whether the Board should refrain from regulating the rates for storage of gas;

AND IN THE MATTER OF a review of certain parts of the Natural Gas Electricity Interface Review (EB-2005-0551) Decision of November 7, 2006 and conducted pursuant to the Board's review decision of May 22, 2007.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 3

On November 7, 2006 the Board issued its Decision with Reasons in the Natural Gas Electricity Interface Review proceeding (the "NGEIR Decision"). In December of 2006 the Board received three Notices of Motion made pursuant to Rule 42 of the Board's Rules of Practice and Procedure requesting to review and vary the NGEIR Decision. The three Notices were filed by the City of Kitchener ("Kitchener"), the Association of Power Producers of Ontario ("APPPrO"), and jointly by the Industrial Gas Users' Association, the Vulnerable Energy Consumers Coalition and the Consumers Council of Canada (the "Consumer Groups").

The Board issued a Notice of Hearing and Procedural Order indicating that it would conduct a review to address two narrow issues: (1) the questions that the Board should apply in determining whether it should review the NGEIR Decision; and (2) whether the moving parties met the test or tests. In its decision of May 22, 2007, the Board

determined that three of the matters raised by the moving parties had met the test for review; (1) the decision to cap the storage available to Union Gas Limited's ("Union") in-franchise customers to 100 PJ (the "Cap Issue"), (2) the decision regarding additional storage requirements for Union's in-franchise gas-fired generator customers, and (3) the decision regarding Enbridge Gas Distribution's ("Enbridge") Rate 316 (the "APPrO Issues"). (Collectively the three matters that were found to meet the test for review are referred to herein as the "Reviewable Issues").

The Board will proceed to jointly hear the Motions with respect to the Reviewable Issues by way of written proceeding.

For the purpose of the Cap Issue, the City of Kitchener and the Consumer Groups are the "Moving Parties". For the purpose of the APPrO Issues, APPrO is the "Moving Party". For all Reviewable Issues, Union and Enbridge are the "Respondents". Addresses for service are attached at Appendix A.

THE BOARD THEREFORE ORDERS THAT:

1. The Moving Parties shall file written arguments with the Board on or before **Tuesday, June 12, 2007**, addressing the matters in review, and shall serve the arguments on each of the Respondents and all other Moving Parties. The Consumer Groups and Kitchener shall restrict their arguments to the Cap Issue and APPrO shall restrict its arguments to the APPrO Issues. The evidence to which the Moving Parties may refer will be restricted to evidence filed as part of the review proceeding (EB-2006-0322, EB-2006-0338, EB-2006-0340) and in the NGEIR proceeding (EB-2005-0551).
2. The Respondents shall file written reply arguments with the Board on or before **Friday, June 22, 2007**, and serve the arguments on each of the Moving Parties and the other Respondent.
3. The Moving Parties shall file written reply arguments with the Board on or before **Thursday, June 28, 2007**, and serve the reply arguments on each of the Respondents and each of the other Moving Parties.

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. The Board requires all correspondence to be in electronic form as well as paper. Therefore, all parties must also e-mail an electronic copy of their filings preferably in searchable PDF format to the Board Secretary at Boardsec@oeb.gov.on.ca.

DATED at Toronto, May 29, 2007.

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

TO NOTICE OF HEARING AND PROCEDURAL ORDER NO. 3

BOARD FILE NOs.

EB-2006-0322

EB-2006-0338

DATED MAY 29, 2007

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ENBRIDGE GAS DISTRIBUTION INC.**

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EB-2006-0322

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The Consumers Council of Canada and The Vulnerable Energy Consumers Coalition,
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EB-2006-0340

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