



EB-2014-0363

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 TransAlta Corporation, TransAlta Generation Partnership and TransAlta Cogeneration L.P. for certain preliminary determinations of the Ontario Energy Board in regard to the interpretation of the T1 / T2 contract.

**NOTICE OF APPLICATION
AND PROCEDURAL ORDER NO. 1
January 27, 2015**

TransAlta Corporation, TransAlta Generation Partnership and TransAlta Cogeneration L.P. (TransAlta) filed an application dated December 3, 2014 seeking Ontario Energy Board (OEB) determinations on three preliminary issues relating to the interpretation of the T1 / T2 contract and the alternative dispute resolution requirements applicable to contracts for transportation services.

TransAlta specifically requested that the OEB consider the following three preliminary issues.

- 1) Does the OEB have, and will it exercise, jurisdiction to determine the correct interpretation of TransAlta's Daily Contract Quantity (DCQ) obligations under its T1 / T2 contract?
- 2) If the OEB determines that it does have jurisdiction to determine the correct interpretation of TransAlta's DCQ obligations under its T1 / T2 contract, does the OEB have, and will it exercise, jurisdiction over the amounts that may be owed to TransAlta under the T1 / T2 contract?

- 3) If the OEB determines that it does not have jurisdiction to determine the correct interpretation of TransAlta's DCQ obligation under its T1 / T2 contract, will the OEB refer TransAlta's application to binding arbitration in accordance with the *Storage and Transportation Access Rule (STAR)*?

The OEB received a letter from Union Gas Limited (Union) on January 5, 2015 responding to TransAlta's application. TransAlta filed a response to Union's letter on January 12, 2015. Union filed another letter responding to TransAlta's response on January 21, 2015.

The OEB will adopt Union as an intervenor in this proceeding. A list of intervenors for EB-2014-0363 is attached as Appendix "A" to this order.

The OEB will hear TransAlta's application by way of an oral hearing. Accordingly, the OEB will make provisions for the following procedural matters. Further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. The parties listed in Appendix "A" are granted intervenor status in the proceeding.
2. An Oral Hearing will be held on **March 17, 2015** beginning at 9:30 a.m. in the Board's Hearing room, on the 25th floor at 2300 Yonge Street, Toronto, Ontario. The Board expects that, at the outset of the Oral Hearing, TransAlta will provide an opening statement, after which, parties wishing to make oral argument will be provided an opportunity to do so. Finally, TransAlta will be granted an opportunity to reply to the arguments of other parties.

All filings to the OEB must quote file number **EB-2014-0363**, be made electronically through the OEB's web portal at www.pes.ontarioenergyboard.ca/eservice in searchable / unrestricted PDF format. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address.

All filings shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available, parties may email their documents to the address below.

For all electronic correspondence and materials related to this proceeding, parties must include in their distribution lists the Case Manager, Lawrie Gluck at Lawrie.Gluck@ontarioenergyboard.ca and Legal Counsel, Maureen Helt at Maureen.Helt@ontarioenergyboard.ca.

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

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

Filings: <https://www.pes.ontarioenergyboard.ca/eservice/>

E-mail: boardsec@ontarioenergyboard.ca

Tel: 1-888-632-6273 (Toll free)

Fax: 416-440-7656

ISSUED at Toronto, January 27, 2015

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX A

NOTICE OF APPLICATION AND PROCEDURAL ORDER NO. 1

LIST OF INTERVENORS

BOARD FILE NO. EB-2014-0363

DATED January 27, 2015

**TransAlta Corporation
EB-2014-0363**

APPLICANT & LIST OF INTERVENORS

January 27, 2015

APPLICANT

Rep. and Address for Service

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INTERVENORS

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