

Action No. 0101-04999

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE OF CALGARY

BETWEEN:

**DON HOBBSAWN, on behalf of himself and all other members
of a class having claims against ATCO GAS AND PIPELINES LTD.**

Plaintiff

-and-

I hereby certify this to be a true copy of
the original Order
Dated this 20 day of July, 2009
for Clerk of the Court [Signature]

ATCO GAS AND PIPELINES LTD.

Defendant

BEFORE THE HONOURABLE)
JUSTICE S. J. LOVECCHIO)
IN CHAMBERS)
)

At the Court House, in the City of
Calgary, in the Province of Alberta,
on Monday, the 20th day of
July, 2009

ORDER

UPON APPLICATION of the Plaintiff and the Defendant, AND UPON having read the filed Affidavit of Denise Wilson and the Affidavit of Don Hobsbawn; AND UPON hearing submissions from counsel for the Plaintiff and counsel for the Defendant; AND UPON NOTING no objections to the proposed settlement;

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. THAT this claim is certified for the purpose of settlement;

2. THAT the following common issue is certified:

For the period of November 1, 1998 through May 1, 2004 inclusive, did the billing practices and procedures of Canadian Western Natural Gas Company Limited (later known as ATCO Gas South, a division of ATCO Gas and Pipelines Ltd.) contravene section 347.1(1)(b) of the Criminal Code of Canada, and if so, for what period of time

3. THAT this class is certified and described as:

All persons:

- (a) Who have been customers of ATCO Gas; and
(b) Who have paid one or more late payment penalties to ATCO Gas at any time prior to May 4, 2004*

4. That Don Hobsbawn is appointed as Representative Plaintiff.

5. THAT this settlement is approved as follows:

ATCO Gas will make payment of settlement funds in the amount of \$1,125,000.00. ATCO Gas will also pay all the costs of notification, administration and distribution of the settlement.

ATCO Gas will pay make payment, subject to Court approval, to all Class Counsel and the representative plaintiff their fees in the amount of \$350,000.00, inclusive of GST, disbursements and any applicable taxes. Class Counsel are prepared to accept this payment in full settlement of the obligation to pay counsel fees, disbursements and applicable taxes. This amount will not come out of or reduce the amount available to the Settlement Class Members

6. THAT this settlement binds all class members unless they opt out of this proceeding by completing the opt out form as found on the following website:

www.docken.com

and returns it to cgd@docken.com by September 1, 2009.

7. Upon payment of the settlement amount, this action shall stand as dismissed, excepting only to the extent that further steps may be necessary to implement the settlement and comply with the terms of this Order.


J.C.C.Q.B.A.

TO: Clerk of the Court

Entered this 20 day
of July, 2009
Clerk of the Court

V.A. BRANDT



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GAS AND PIPELINES LTD.**
Plaintiff

-and-

ATCO GAS AND PIPELINES LTD.
Defendant

ORDER

Docken & Company
900, 800 - 6th Avenue SW
Calgary AB T2P 3G3
Tel: (403) 269-3612
File No.: 6665

CLERK OF THE COURT
JUL 20 2009
CALGARY, ALBERTA