

## ONTARIO ENERGY BOARD

**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 Natural Resource Gas Limited to the Ontario Energy Board for an Order or Orders exempting Natural Resource Gas Limited from certain sections of the Gas Distribution Access Rule (“**GDAR**”).

### **SUBMISSIONS OF IGPC ETHANOL INC. and INTEGRATED GRAIN PROCESSORS CO-OPERATIVE INC.**

1. IGPC Ethanol Inc. and the Integrated Grain Processors Co-operative Inc. (“**IGPC**”) are the owners and operators of a 150 million liter per year ethanol facility in the Town of Aylmer, and within the Natural Resource Gas Limited (“**NRG**”) franchise area.
2. NRG has requested an exemption from certain obligations of the GDAR which may impact the level of service NRG customers receive. Section 2 of the *Ontario Energy Board Act, 1998* states that the Board, in carrying out its responsibilities shall be guided by the objective of ensuring the adequacy of the quality of service. Clearly, where a utility seeks an exemption from a quality of service requirement the Board should be cautious in making such a decision and should expect the utility to fully substantiate the reasoning such an exemption is warranted.
3. IGPC has two basic concerns, first, that the level of service has been an issue before the Board and this request would appear to relax the standard to which NRG is to be held and, second, that NRG has not provided sufficient information to the Board to make an informed decision.

#### Level of Service and Alternatives

4. In Board proceeding EB-2008-0413 the Town of Aylmer filed a substantial amount of evidence directed towards the service provided by NRG to its ratepayers. It is clear that the level of service has been an issue for NRG and for its ratepayers in the recent past.

5. NRG has indicated that its current phone system does not have the capability to track and compile the information required by the GDAR.
6. At paragraph 5, NRG asserts that it will continue to monitor the service level in this area. However, it is unclear what precisely NRG will do to achieve this statement. NRG should provide further information regarding its plan to monitor the service level and be required to provide the Board with such information demonstrating NRG's compliance.

#### Adequacy of the Evidence

7. IGPC would note that NRG has not provided any evidence regarding the cost of coming into compliance rather NRG has made the statement that such a requirement is cost prohibitive. IGPC would have expected NRG to provide evidence of the cost to achieve compliance and the impact such cost would be anticipated to have on ratepayers.
8. Unfortunately, the cost of compliance has not been provided nor has NRG provided information on the process used to assess this matter to arrive at the decision to request the exemption. IGPC would have expected a utility seeking such an exemption from a requirement of the regulator to provide further evidence in support of its request.
9. IGPC would request that NRG provide additional information in its submissions to clearly demonstrate to the Board that compliance is not cost effective in these circumstances.

#### Summary

10. IGPC understands that the Board has granted NRG exemptions from the GDAR in the past and would encourage the Board to ensure that NRG is obligated to continue to improve its level of service and to demonstrate that it is achieving the service levels expected of a utility.
11. Finally, NRG has not made any express request about the duration of this exemption. IGPC would suggest that if the Board is inclined to grant NRG's request that such exemption be time limited. IGPC would suggest a maximum period of 2 years for an exemption.

**All of which is respectfully submitted.**

Dated: March 19, 2010

**AIRD & BERLIS LLP**  
Barristers and Solicitors  
181 Bay Street, Suite 1800  
Toronto, ON M5J 2T9

Scott Stoll  
Email: [ssoll@airdberlis.com](mailto:ssoll@airdberlis.com)  
Tel: 416.865.4703  
Fax: 416.863.1515

Counsel for IGPC