



**EB-2010-0055**

**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 its 2011 Demand  
Side Management Plan.

**BEFORE:** Marika Hare  
Presiding Member

Paula Conboy  
Member

### **DECISION AND ORDER**

Union Gas Limited (“Union”) filed an application with the Ontario Energy Board (the “Board”) dated April 30, 2010, seeking an order granting approval of its 2011 Natural Gas Demand Side Management (“DSM”) plan. The Board assigned File No. EB-2010-0055 to this application.

On September 9, 2010, the Board issued its Decision and Order approving Union’s application for its 2011 DSM plan. In its Decision and Order, the Board stated that it expected Union to file an amendment to its 2011 DSM plan which recognizes the government’s policy with respect to increased conservation programs for low income consumers, as expeditiously as possible. The low income amendment was filed on November 10, 2010.

On November 26, 2010, the Board issued Procedural Order No. 2. The Board decided to hear the low income amendment to Union’s 2011 DSM plan as a second phase to the proceeding. The Board will only be addressing the low income amendment to Union’s 2011 DSM plan; all other matters related to the 2011 DSM plan have been addressed in the first phase.

Procedural Order No. 2 directed Union to serve a copy of its low income amendment to its DSM plan on all intervenors in the current 2011 DSM plan proceeding. Intervenors in Union's original 2011 DSM plan application did not need to request intervenor status again and remained eligible to participate in the proceeding. Procedural Order No. 2 also outlined that because Union consulted extensively with stakeholders in completing the low income amendment to its DSM plan, interrogatories were not considered necessary and that the Board would only seek submissions from parties.

Written submissions from intervenors were to be filed with the Board by December 6, 2010. Submissions were received from Green Energy Coalition ("GEC"), Industrial Gas Users Association ("IGUA"), and Low-Income Energy Network ("LIEN").

GEC and LIEN both offered their support for approval of Union's low income amendment to its DSM plan.

IGUA had no objection to the low income amendment, subject to the following two points of clarification. In its submission, IGUA requested confirmation that Union's incremental low income DSM plan budget (including any variance), the LRAM amounts and incentive payments associated with the low income DSM plan, would be recovered from R01 and M1 small volume general service rate classes. In addition, IGUA requested confirmation that results for achieving an additional 15% of its incremental 2011 low income DSM plan budget (provided that Union has achieved the 100% overall Home Weatherization scorecard target) DSM Variance Account recovery will be subject to an audit.

In its reply submission, Union confirmed that such amounts will be recovered from R01 and M1 small volume general service rate classes. Union also confirmed that the amounts to be recovered in the DSM Variance Account will be subject to review as an element of the DSM audit.

Intervenors also submitted that because the low income amendment was developed in the context of the current DSM framework, offering support for approval of the low income amendment should therefore not necessarily be indicative of the approach preferred under a new DSM framework.

## Board Findings

The Board finds that Union's proposal for its low income amendment to its 2011 DSM plan is generally consistent with the approved DSM framework established in the Generic DSM Proceeding. The Board therefore approves Union's low income amendment to its 2011 DSM plan. The Board would again like to commend Union's commitment to working with stakeholders in the DSM Consultative and with the low income sub-committee. The Board is aided by full and complete stakeholder consultation prior to the filing of the 2011 low income amendment.

Intervenors eligible for an award of costs shall file their cost submissions in accordance with the *Practice Direction on Cost Awards* with the Board Secretary and with Union within **15 days** of the date of this Decision and Order. Union may make submissions regarding the cost claims within **30 days** of this Decision and Order and the intervenors may reply within **45 days** of this Decision and Order. A decision and order on cost awards and the Board's own costs will be issued in due course.

## THE BOARD ORDERS THAT:

Union Gas Limited is granted approval of its updated 2011 DSM plan inclusive of the low income amendment to its 2011 DSM plan filed on November 10, 2010.

**DATED** at Toronto, December 20, 2010

## ONTARIO ENERGY BOARD

*Original Signed By*

Kirsten Walli  
Board Secretary