

**DRAFT**

**December 13, 2011**

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Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Suite 2701 - 2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: EB-2011-0242 and EB-2011-0283**

We are counsel to the Consumers Council of Canada. Pursuant to Procedural Order No. 1, we are filing the following written comments on the Draft Issues List.

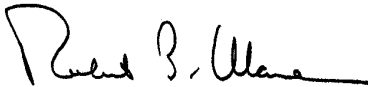
It is our position that these applications give rise, in the first instance, to the question of whether Union Gas Limited and Enbridge Gas Distribution Inc. should be in the business of supporting of development of the RNG industry. That policy question has a number of components, all of which are subsumed within Issues 1.1 and 1.2 on the Draft Issues List.

We submit that Issues 1.1 and 1.2 should be dealt with, separately, as a threshold matter. Depending on the outcome of the Board's consideration of those two issues, it may not be necessary to proceed with consideration of the balance of the issues on the Draft Issues List. Addressing Issues 1.1 and 1.2, in a separate, threshold proceeding, might save considerable time, effort, and expense.

The consideration of Issues 1.1 and 1.2 should include provision for interrogatories.

Yours very truly,

**WeirFoulds LLP**



Robert B. Warren

RBW/dh

cc: Union Gas Limited  
cc: Enbridge Gas Distribution Inc.  
cc: Aird & Berlis LLP, Attention: F. Cass  
cc: Torys LLP, Attention: C. Smith  
cc: All Parties