

April 10, 2012

**BY COURIER (2 COPIES) AND EMAIL**

**Ms. Kirsten Walli**

Board Secretary

Ontario Energy Board

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Dear Ms. Walli:

**Re: Pollution Probe – Interrogatory to Union and Enbridge  
EB-2011-0242 & EB-2011-0283 – Renewable Natural Gas**

I am writing on behalf of Pollution Probe to respond to the submissions of Enbridge Gas Distribution Inc. (“Enbridge”) and Union Gas Ltd. (“Union”) regarding Pollution Probe’s interrogatory motion.

In its interrogatory, Pollution Probe requested an estimate of the *net* reduction in greenhouse gas emissions (“GHGs”) that will result from the proposed biomethane procurement programs (i.e. net of free riders). Pollution Probe wishes to withdraw its motion with respect to Union as it has now provided some information regarding free ridership. However, Pollution Probe continues to seek a response from Enbridge, as detailed below.

**Union Gas Ltd.**

Union provided further information regarding its assumed free rider rate in its Responding Argument (dated April 5, 2012) and in an email dated April 4, 2012. Pollution Probe therefore wishes to withdraw its motion with respect to Union (subject to the Board’s discretion to require a more complete response and/or require that the additional information be prepared, served, and filed as a formal interrogatory response under Rule 29).

Pollution Probe intends to cross-examine on this topic, and particularly on the basis for Union’s belief that the free rider rate is very small or zero.

## **Enbridge Gas Distribution Inc.**

Enbridge has not yet provided information regarding the free rider issue, and therefore Pollution Probe continues to seek an order requiring a full and adequate response from Enbridge. If Enbridge provides the information requested in the interrogatory, or commits to provide that information at least two weeks prior to the hearing, Pollution Probe will withdraw its motion as it has done with Union.

It is not clear on the record whether Enbridge's estimate of the free rider rate is the same as Union's, or whether it possesses the same or different information on that topic. In its Responding Argument for this motion (dated April 5, 2012), Union advised that:

- It "believes" the free rider amount (i.e. the amount of biomethane already being captured and used for energy purposes that would be diverted for purchase by Union) is very small or zero;
- It is only aware of one biomethane supplier that is in its franchise area and has expressed an interest in selling to Union; and
- It has insufficient information to further justify its estimate of the free rider amount.

Enbridge has not stated on the record whether its estimate of the free rider rate is also zero, nor has it provided information on possible biomethane suppliers in its franchise area.

In Enbridge's letter of April 5, 2012, it states that it "supports the position of Union Gas that an appropriate response to the interrogatory response has been provided." However, in its letter, Enbridge but does not clearly state that its estimate of the free rider rate is the same as Union's, or whether it possesses the same or different information on that topic. Again, the updated common response from Enbridge and Union (located in the Motion Record at tab 3) did not address the free rider issue.

Enbridge should state its estimate of the free rider rate and should provide information in its possession that might justify that estimate. That information, if possessed by Enbridge, might include any available relevant details regarding possible biomethane suppliers in its franchise area.

### **Not a Multi-Staged Interrogatory**

Contrary to the utilities' submissions, this is not a "multi-staged" interrogatory as occurred in *Union Gas (Re.)*, EB-2005-0520 (Decision, May 11, 2009). Pollution Probe is not asking "additional questions" as in that case; it is simply seeking an answer to its original interrogatory.

Pollution Probe's interrogatory (located in the Motion Record at tab 2) requested an estimate of GHG reductions "net of free-riders" and asked that input assumptions be stated and justified. In this motion, Pollution Probe is simply asking that Enbridge state and justify its assumed free rider rate. In other words, it asks that Enbridge state and

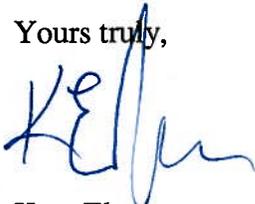
justify the assumptions made in calculating the *net* reduction in GHGs *resulting from* its proposed procurement program.

**Conclusion**

For the reasons outlined in this letter and in the Notice of Motion dated March 26, 2012 (located in the Motion Record at tab 1), Pollution Probe requests an order that Enbridge provide a full and adequate response to its interrogatory.

Please do not hesitate to contact me if you have any questions or if anything further is required.

Yours truly,



Kent Elson

cc: Applicant and Intervenors by email