



EB-2014-0043

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 Enbridge Gas
Distribution Inc. for an order or orders approving or fixing
rates for the sale, distribution, transmission and storage of
gas.

PROCEDURAL ORDER NO. 1

February 27, 2014

Enbridge Gas Distribution inc. ("Enbridge") filed an application with the Ontario Energy Board (the "Board") on February 13, 2014 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) for an order giving final approval for Rider C commodity unit rates that were approved on an interim basis in the Board's EB-2013-0406 Decision and Interim Order, dated December 20, 2013.

Enbridge's EB-2013-0406 application was filed in accordance with the Quarterly Rate Adjustment Mechanism ("QRAM") process for a rate adjustment relating to gas costs effective January 1, 2014 ("QRAM Application"). In that application, among other things, Enbridge proposed a refund of \$10.1 million from the Gas Acquisition – Commodity and the Gas in Inventory Re-valuation components of the Purchased Gas Variance Account. Enbridge indicated that the \$10.1 million should have been refunded to sales (i.e. system gas) service customers in prior QRAMs but were not, due to calculation errors.

The Board's decision on the QRAM Application was issued by delegated authority. The decision indicated that the proposed refund of \$10.1 million raised possible issues of rate retroactivity that were not typically dealt with by a delegated authority; therefore, a refund of \$10.1 million was approved on an interim basis, subject to a separate application to be filed by Enbridge.

The Board notes that parties in the QRAM Application had an opportunity to file responsive comments. Board staff in Interrogatory #1 sought clarification on the nature of the mechanical errors, and Enbridge's view on whether the proposed refund raise any concerns with respect to rate retroactivity. The responses to those interrogatories were also filed as part of this proceeding. The Board considers the record in this proceeding to be sufficiently clear and will therefore proceed with submissions on this matter. The Board also invites Enbridge, in its reply submission, to include timelines regarding the issuance of a final Decision and Order on this matter in time for implementation as part of its April 1, 2014 QRAM application.

The Board will grant intervenor status to all approved intervenors on record in Enbridge's EB-2012-0459 proceeding. All parties are invited to make submissions on whether the \$10.1 million refund constitutes retroactive ratemaking.

Parties that meet the eligibility criteria contained in the Board's *Practice Direction on Cost Awards* may submit costs with supporting rationale as to how their participation contributed to the Board's ability to decide on this matter.

The Board considers it necessary to make provision for the following procedural matters related to this proceeding. Further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Any party that wishes to make written submissions shall file its submissions with the Board and deliver a copy of the submissions to all other parties and Enbridge on or before **Thursday, March 6, 2014**.
2. Enbridge may file a written reply submission with the Board, and deliver it to all other parties by **Tuesday, March 11, 2014**.

All filings to the Board must quote the file number, **EB-2014-0043**, be made electronically through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, in searchable / unrestricted PDF format. Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

<http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Daniel Kim at daniel.kim@ontarioenergyboard.ca and Board Counsel, Maureen Helt at maureen.helt@ontarioenergyboard.ca.

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DATED at Toronto, **February 27, 2014**

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX A
TO PROCEDURAL ORDER NO. 1
EB-2014-0043
DATED: February 27, 2014
ENBRIDGE GAS DISTRIBUTION INC.
List of Intervenors
EB-2012-0459

**Enbridge Gas Distribution Inc.
EB-2012-0459**

APPLICANT & LIST OF INTERVENORS

February 27, 2014

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EB-2012-0459**

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EB-2012-0459**

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