



EB-2017-0224
EB-2017-0255
EB-2017-0275

**Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership**

**Applications for approval of the cost consequences
of 2018 cap and trade compliance plans**

**PROCEDURAL ORDER NO. 1
December 28, 2017**

Enbridge Gas Distribution Inc. (Enbridge Gas), Union Gas Limited (Union Gas) and EPCOR Natural Gas Limited Partnership (EPCOR Natural Gas) (collectively the Gas Utilities) each filed an application with the Ontario Energy Board (OEB) seeking approval of the forecast costs arising from their Cap and Trade Compliance Plan for the January 1 - December 31, 2018 time period. The Gas Utilities filed their applications in accordance with the OEB's *Report of the Board – Regulatory Framework for Assessment of Costs of Natural Gas Utilities' Cap and Trade Activities* (Cap and Trade Framework).¹

The OEB assigned the following file numbers to the applications: EB-2017-0224 (Enbridge Gas), EB-2017-0255 (Union Gas) and EB-2017-0275 (EPCOR Natural Gas).

Background

The *Climate Change Mitigation and Low-carbon Economy Act, 2016* (the Climate Change Act) was passed by the Ontario Legislature and received Royal Assent on May 18, 2016. On May 19, 2016, Ontario Regulation 144/16, *The Cap and Trade Program* (Cap and Trade Regulation), was issued. The Climate Change Act and the Cap and Trade Regulation set forth the details of a cap and trade program for the purposes of reducing greenhouse gas (GHG) emissions in Ontario. The Climate Change Act established that the first compliance period for the cap and trade program will run from

¹ EB-2015-0363

January 1, 2017 until December 31, 2020, with subsequent three-year compliance periods.

Under the Climate Change Act, the Gas Utilities need to develop strategies to meet their Climate Change Act compliance obligations. Costs will be incurred by the Gas Utilities to comply with the Climate Change Act and the OEB is responsible for assessing the cost consequences of the Gas Utilities' compliance plans for the purpose of approving recovery of the costs through rates.

The Applications

On November 9, 2017, Union Gas and Enbridge Gas each filed their Cap and Trade Compliance Plan as required by the Cap and Trade Framework. On November 17, 2017, EPCOR Natural Gas filed its Cap and Trade Compliance Plan. As part of each application, the Gas Utilities are seeking approval to recover the forecast cost consequences of their respective 2018 Cap and Trade Compliance Plan.

The Gas Utilities requested the approval, on an interim basis, of their proposed 2018 cap and trade charges effective January 1, 2018. According to the applications, the bill impact for a typical residential customer is an estimated increase of approximately \$0.40 to \$0.50 per month on average. The exact amount of the increase will depend on the gas utility and the amount of gas that a customer uses.

On November 30, 2017, the OEB issued a Decision and Order denying each of the Gas Utilities' requests for the interim approval of their proposed 2018 cap and trade charges. As a result, the final 2017 OEB-approved cap and trade charges will continue until the OEB completes its review of the 2018 Cap and Trade Compliance Plans.

Enbridge Gas and Union Gas also requested approval of a procurement and funding model for Renewable Natural Gas (RNG) no later than the end of January 2018.

Intervenors

The following parties applied for intervenor status (* denotes a request for cost eligibility):

- Association of Power Producers of Ontario (APPrO)*
- Building Owners and Managers Association, Greater Toronto (BOMA)*
- Consumer Council of Canada (CCC)*
- Canadian Manufacturers & Exporters (CME)*
- Energy Probe*

- Environmental Defence*
- Federation of Rental-housing Providers of Ontario (FRPO)*
- Green Energy Coalition (GEC)*
- Industrial Gas Users Association (IGUA)*
- Kitchener Utilities
- Low-Income Energy Network (LIEN)*
- London Property Management Association (LPMA)*
- Northeastern Midstream
- Ontario Association of Physical Plant Administrators (OAPPA)*
- Ontario Petroleum Institute (OPI)
- Ontario Sustainable Energy Association (OSEA)*
- School Energy Coalition (SEC)*
- Shell Energy North America (Canada) Inc.
- Six Nations Natural Gas Company Limited (SNNG)
- TransCanada PipeLines Limited (TransCanada)

Union Gas, Enbridge Gas, and EPCOR Natural Gas did not object to the requests for intervenor status or cost eligibility.

All parties that requested intervenor status in this proceeding are granted intervenor status. The list of intervenors is attached as Schedule A to this Order.

APPRO, BOMA, CCC, CME, Energy Probe, Environmental Defence, FRPO, GEC, IGUA, LIEN, LPMA, OAPPA, OSEA, and SEC are each eligible to apply for an award of costs pursuant to the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed. Further, being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order, typically at the end of a hearing.

Confidential Filings

The Climate Change Act outlines limitations on the disclosure of certain information. These limitations are reflected in section 4 of the Cap and Trade Framework.² The Cap

² *Climate Change Mitigation and Low-carbon Economy Act, 2016*, S.O. 2016, CHAPTER 7 (Climate Change Act) and EB-2015-0363 Report of the Board - Regulatory Framework for Assessment of Costs of Natural Gas Utilities' Cap and Trade Activities (Cap and Trade Framework).

and Trade Framework indicates that there are three categories of information which may be included within a natural gas utility's Compliance Plan: public information, confidential information and strictly confidential information.

The Cap and Trade Framework provides for two categories of strictly confidential information which arise out of the Climate Change Act and Cap and Trade Regulation³ namely, auction confidential and market sensitive information. Strictly confidential information will be reviewed only by OEB staff participating in this proceeding and the OEB panel assigned to review and decide the application.⁴

The Gas Utilities sought strictly confidential treatment of certain documents or portions of documents contained in their pre-filed evidence. Enbridge Gas made reference to the areas of its application which it deemed strictly confidential in Exhibit A, Tab 3, Schedule 1, pages 5-7 of its application. Union Gas made reference to the areas of its application which it deemed strictly confidential in Exhibit 1, page 16 of its application. EPCOR Natural Gas made reference to the areas of its application which it deemed strictly confidential in Exhibit 1, page 6.

As a general rule, and consistent with the OEB's *Rules of Practice and Procedure* ([Rules](#)) and *Practice Direction on Confidential Filings* ([Practice Direction](#)), the OEB places materials it receives in the course of the exercise of its authority under the *Ontario Energy Board Act, 1998* and other legislation on the public record so that all interested parties can have equal access to those materials.

On December 14, 2017, the OEB sent letters to each of Union Gas and Enbridge Gas that identified areas of the pre-filed evidence that the OEB staff viewed as information that could be placed on the public record. In response, Enbridge Gas and Union Gas have each requested and have been granted an extension to file an update to the redactions in their application with the OEB by January 8, 2018.

Issues List

The OEB has included a draft Issues List as Schedule B to this Procedural Order.

The OEB's Cap and Trade Framework outlines the approach the OEB will take in assessing the cost consequences of the Gas Utilities' plans required to meet their Climate Change Act obligations. The purpose of the current proceeding is to assess the cost consequences of the Gas Utilities' plans for complying with their obligations for the

³ Ontario Regulation 144/16, *The Cap and Trade Program* (Cap and Trade Regulation).

⁴ Cap and Trade Framework, pages 9-13.

purpose of approving cost recovery in rates. Accordingly, neither the design of the government's cap and trade program and the program elements, nor the approach or the requirements of the Cap and Trade Framework are in scope for this proceeding.

The OEB is inviting parties to comment on the draft Issues List by **January 12, 2018**. The OEB will consider comments received and a final Issues List will be issued in due course.

RNG Procurement and Funding Model

Enbridge Gas and Union Gas are seeking approval of an RNG procurement and funding model. Enbridge Gas and Union Gas are specifically asking the OEB to approve the use of an RNG procurement mechanism, and to fix the forecasted cost of conventional natural gas and its associated carbon cost, for the term of the RNG contract (up to 10 years in duration) by no later than the end of January 2018.

In recognition of the request for advanced approval of the RNG procurement and funding model, the OEB is seeking written interrogatories from OEB staff and intervenors on issue **1.10.1** on the draft Issues List by **January 12, 2018**.

Interrogatories on Non-confidential Information

Written interrogatories and interrogatory responses will be filed as set out in the order below.

OEB staff and intervenors may submit interrogatories to the Gas Utilities on all matters that are on the public record of the applications filed by the Gas Utilities.

Parties must provide evidence references (by exhibit or chapter number or letter in the application) and sort their interrogatories and responses consistent with the final Issues List. Parties should consult sections 26 and 27 of the OEB's Rules regarding required naming and numbering conventions and other matters related to interrogatories.

Interrogatories on Strictly Confidential Information

OEB staff may also file interrogatories on strictly confidential information. Interrogatories on strictly confidential information will be identified as strictly confidential and will not be placed on the public record or made available to other parties. Similarly, interrogatory responses that refer to strictly confidential information or disclose strictly confidential information will be provided to the OEB only and not be made available to other parties.

Settlement Conference

The OEB may hold a settlement conference to settle certain non-confidential issues and is setting planned dates of **March 1 and 2, 2018**. Once the Issues List is finalized, the OEB will determine which issues, if any, are to be considered at the settlement conference. All strictly confidential issues will be excluded from any settlement conference, should it go forward.

Schedule of Procedural Steps

The OEB is making provision for the following procedural steps in the order below. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. The parties listed in Schedule A to this Procedural Order are granted intervenor status in the proceeding.
2. The applicants and intervenors may make submissions on the draft Issues List at Schedule B to this Procedural Order, and shall file any submissions with the OEB and deliver them to all parties by **January 12, 2018**.
3. OEB staff and intervenors shall request any relevant information and documentation on issue **1.10.1** on the draft issues list from each of Enbridge Gas and Union Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **January 12, 2018**.
4. Enbridge Gas and Union Gas shall file with the OEB complete written responses to filed interrogatories on issue **1.10.1** and serve them on all intervenors and OEB staff by **January 19, 2018**.
5. OEB staff and intervenors shall request any relevant information and documentation on remaining non-confidential evidence from each of the Gas Utilities that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **January 26, 2018**.
6. OEB staff shall request any relevant information and documentation on strictly confidential evidence from each of the Gas Utilities that is in addition to the evidence already filed, by written interrogatories filed with the OEB by **January 26, 2018**. These interrogatories shall be clearly identified as strictly confidential and filed with the OEB and served only on the gas utility to which the

interrogatory is directed.

7. Each of the Gas Utilities shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **February 16, 2018**.

Responses (or parts of responses) to strictly confidential interrogatories shall be filed only with the OEB and shall be clearly identified as strictly confidential.

8. Unless otherwise ordered by the OEB, a settlement conference will be convened on **March 1 and 2, 2018**, with the objective of reaching a settlement among the parties. The settlement conference will be held in the OEB's hearing room at 2300 Yonge Street, 25th Floor, Toronto, Ontario.
9. Any settlement proposal arising from the settlement conference shall be filed with the OEB by **March 20, 2018**. If the settlement proposal is a partial settlement, the outstanding or disputed issues shall be scoped and well-defined.
10. If a settlement proposal is filed, OEB staff's submission on the settlement proposal shall be filed with the OEB and served on all parties by **March 23, 2018**.

All filings to the OEB must quote the file numbers **EB-2017-0224 / EB-2017-0255 / EB-2017-0275**, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB'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, Valerie Bennett at

Valerie.Bennett@oeb.ca and OEB Counsel, Ljuba Djurdjevic, at Ljuba.djurdjevic@oeb.ca, and Lawren Murray, at Lawren Murray, at Lawren.murray@oeb.ca.

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DATED at Toronto, **December 28, 2017**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

Schedule A
Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

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December 28, 2017

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Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

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December 28, 2017

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Enbridge Gas Distribution Inc.
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EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

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December 28, 2017

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Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Enbridge Gas Distribution Inc.
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EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

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Schedule A
Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Union Gas Limited
EPCOR Natural Gas Limited Partnership
EB-2017-0224
EB-2017-0255
EB-2017-0275

APPLICANT & LIST OF INTERVENORS

December 28, 2017

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Schedule B

EB-2017-0224

EB-2017-0255

EB-2017-0275

Draft Issues List

December 28, 2017

1. **Cost Consequences** - Are the requested cost consequences of the gas utility's Compliance Plan reasonable and appropriate?

Forecasts

- 1.1 Are the volume forecasts used reasonable and appropriate?
- 1.2 Are the GHG emissions forecasts reasonable and appropriate?
- 1.3 Is the annual carbon price forecast reasonable and appropriate?

Compliance Plan

- 1.4 Has the gas utility reasonably and appropriately conducted its Compliance Plan option analysis and optimization of decision making?
- 1.5 Is the gas utility's purchasing strategy reasonable and appropriate?
- 1.6 Are the proposed performance metrics and cost information reasonable and appropriate?
- 1.7 Has the gas utility reasonably and appropriately presented and conducted its Compliance Plan risk management processes and analysis?
- 1.8 Are the gas utility's proposed longer term investments reasonable and appropriate?
- 1.9 Are the gas utility's proposed new business activities reasonable and appropriate?
- 1.10 Are the gas utility's proposed greenhouse gas abatement activities reasonable and appropriate?
- 1.10.1 Are the gas utility's RNG procurement and funding proposals reasonable and appropriate?

2. **Monitoring and Reporting** – Are the proposed monitoring and reporting processes reasonable and appropriate?

3. **Customer Outreach** – Are the proposed customer outreach processes and methods reasonable and appropriate?

4. Deferral and Variance Accounts

- 4.1 Are the proposed deferral and variance accounts reasonable and appropriate?
- 4.2 Are the proposed deferral account balances reasonable and appropriate?
- 4.3 Is the disposition methodology appropriate?

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5. Cost Recovery

5.1 Is the proposed manner to recover costs reasonable and appropriate?

5.2 Are the tariffs just and reasonable and have the customer-related and facility-related charges been presented separately in the tariffs?

6. Implementation – What is the implementation date of the final rates and how will the final rates be implemented?