

January 18, 2018

EMAIL

Ms. Kirsten Walli
OEB Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2017-0255 – Union Gas Limited – 2018 Cap-and-Trade Compliance Plan – Environmental Defence (“ED”) and Green Energy Coalition (“GEC”) Request for Provision for Intervenor Evidence

I write on behalf of Union Gas Limited in response to the various letters submitted by Mr. Kent Elson (on behalf of ED and GEC) and Mr. David Poch (on behalf of GEC) requesting the right to submit intervenor evidence in this proceeding from Mr. Chris Neme.¹ I also refer to the responses to these letters from Mr. Dennis O’Leary on behalf of Enbridge Gas Distribution sent January 12 and January 17, 2018.

In summary, ED and GEC request that provision be made for intervenor evidence in the procedural steps for this proceeding. They propose that intervenor evidence from Mr. Chris Neme be submitted by March 23, 2018, well over one month after the interrogatory responses are due and over four months after Union submitted its application (November 9, 2017).

Union has reviewed Enbridge’s submissions made in its letters of January 12 and 17, 2018. Like Enbridge, Union has serious doubts that the 2018 Cap and Trade Compliance Plan application is the appropriate proceeding in which any evidence from Mr. Neme should be filed. As Union understands the various letters, the proposed evidence from Mr. Neme goes far beyond the scope of this proceeding. Union objects to the admission of any intervenor evidence that is out of scope for this proceeding. Therefore, if the Board makes provision for intervenor evidence at all, Union requests that the Board direct that such evidence be strictly limited to the matters in issue in this proceeding, as set out in the Final Issues List (once issued). Union reserves all of its rights to move to strike any evidence that is out of scope for this proceeding.

¹ Letter from Kent Elson to the Board dated January 10, 2018; Letter from David Poch to the Board dated January 15, 2016; Letter from Kent Elson to the Board dated January 16, 2018.

In addition, Union agrees with Enbridge that, to the extent that the Board allows such evidence to be filed, it should be subject to strict procedural safeguards, which would include:

1. that Mr. Neme's evidence be filed no later than the end of February 2018 so as to not cause any further delay to the proceeding;
2. that the utilities be permitted to submit written interrogatories to Mr. Neme within one week of Mr. Neme's evidence being filed;
3. that Mr. Neme's interrogatory responses be due within one week of the interrogatories being requested;
4. that the utilities be permitted to file responding evidence, by a date to be determined after a proposal by the utilities within one week of Mr. Neme's interrogatory responses being filed; and
5. that Mr. Neme be available to be cross-examined at an oral hearing.

The various letters submitted on this topic on behalf of ED and GEC contain a number of statements with which Union disagrees. None of those statements are evidence in this proceeding. To the extent that any of those statements are submitted as part of evidence filed in this proceeding, Union reserves all of its rights to respond to that evidence through its own evidence, and to cross-examine on that evidence at an oral hearing.

Yours truly,

[Original signed by]

Myriam Seers

c.c.: Crawford Smith, Torys
Adam Stiers, Union Gas