



**BY EMAIL and RESS**

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September 16, 2019  
Our File No. 2018-0305

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2018-0305 – Enbridge Effective Date**

We are counsel for the School Energy Coalition. Pursuant to the Board's Decision with Reasons dated September 12, 2019, this letter sets out SEC's submissions with respect to effective date.

SEC submits that there are four factors the Board should consider:

1. The Application was not filed until a month before the proposed effective date of January 1, 2019. A normal IRM/ICM application would typically take six months.
2. The Application could not be filed until the Board's decision in EB-2017-0306/7, the MAADs Decision, was released on August 30, 2018. On the other hand, as the Board has pointed out, the timing of the MAADs Decision was at least in part the result of the timing choices the Applicant made with respect to that application. The Applicant was not delayed in that proceeding by anything that the Board did, or failed to do.
3. The Applicant made a determination that it would include in the current Application a number of requests for special treatment that made this proceeding much longer than a

normal IRM proceeding, even with ICM included. In addition to four ICM projects totalling almost a quarter of a billion dollars, the Applicant sought

- a. A change to the calculation of the ICM threshold, inconsistent with the Board's longstanding policy on how it is calculated.
- b. ICM treatment of the Sudbury Replacement, even though it clearly did not qualify, and even though it could have been the subject of an earlier and separate application by Union Gas.
- c. An adjustment to rate base that was inconsistent with the MAADs Decision, and would increase rates by \$46 million over the next few years.

In addition, other issues arose in the proceeding that were significant, issues that the Applicant knew would arise and extend the timing (e.g. the changes in customer connection charges). These choices by the Applicant are the main reason why the proceeding took eleven months instead of six. In fact, the proceeding could easily have taken longer, but for the Board's decision to have the issues decided by written hearing rather than oral hearing, which reduced the time frame by at least two months.

4. The Board's normal policy is that the effective date will be the first available time rates can be implemented after the Board's decision. There are exceptions to this, but the basic principle is that the Applicant has the responsibility to make sure the Board has enough time to render a decision.

Taking these considerations into account, SEC believes that April 1, 2019 is too early as an effective date. The earliest we would consider reasonable is July 1, 2019, which is ten months after the MAADs Decision. If the Board were to consider an effective date of November 1, 2019, SEC would not consider that too late, or in any way punitive, but July 1 gives credit of four months for the tight timing around the MAADs Decision, while still reflecting the Applicant's ultimate responsibility for timely regulatory outcomes.

All of which is respectfully submitted.

Yours very truly,

**SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION**



Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties