

# AIRD & BERLIS LLP

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## DELIVERED AND FILED VIA RESS

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
Suite 2700  
Toronto, ON M4P 1E4

Dear Ms Walli:

**Re: EB-2009-0043: Enbridge Gas Distribution application re. Open Bill issues**

We represent Enbridge Gas Distribution Inc. ("EGD").

EGD has been given EB-2009-0043 as the docket number for a pending Application related to "Open Bill" issues. This Application relates to commitments made in settlement agreements approved by the Ontario Energy Board ("OEB" or the "Board") in EGD's 2007 rates application (EB-2006-0034). Among other things, EGD is required to report on its experience with Open Bill services since 2007 and to present its proposal for how Open Bill services will be offered in the future, once its new Customer Information System is operational.

As we advised in our letters to you dated December 5 and 16, 2008, EGD has been working closely with members of a stakeholder committee on issues related to its Open Bill services. Copies of EGD's previous letters, which provide further background about this matter, are attached.

EGD is pleased to report that parties have been able to use the extension of time for the filing date for this Application (from December 31, 2008 to February 13, 2009) productively. A number of meetings have been held during which interested parties have exchanged various proposals for resolution of the issues, and have engaged in serious dialogue which has identified some common ground among stakeholders.

At this time, we are writing on behalf of the most active members of the Open Bill stakeholder committee to request a further extension of the filing date for EGD's Application from February 13, 2009 to March 27, 2009. The parties making this request are Direct Energy Marketing Limited; EGD; Heating, Refrigeration and Air Conditioning Institute of Canada (HRAI); LivClean Corp.; Reliance Comfort Limited Partnership; and Vulnerable Energy Consumers Coalition (VECC) (the "Parties").

While the Parties have made progress in identifying and narrowing issues between themselves, they have not yet been able to reach resolution. The Parties are hopeful,

though, that with some additional time they will be able to resolve the outstanding issues. While there is no guarantee that resolution will be reached, the Parties believe that the granting of an extension will provide a full opportunity to try to reach a consensus. Of course, if this proves possible it will be of benefit to all of EGD's stakeholders, and to the Board, as it will reduce or eliminate the time and energy involved in a hearing process.

The Parties do not believe that a six week extension to the filing date for this Application will cause prejudice to any person, as EGD will continue to offer Open Billing services under the current approach until such time as this Application is determined. The Parties believe that an additional six weeks is a realistic amount of time to further discuss the issues that have been identified, and try to resolve differences in positions. On the other hand, the Parties are concerned that having EGD file its Application, which must contain a proposal about how Open Bill services should be offered in the future, might impede productive discussions as to possible alternatives.

Should you have any questions, please do not hesitate to contact me, or representatives of any of the Parties.

Yours very truly,

AIRD & BERLIS LLP



David Stevens

cc. Enbridge Gas Distribution  
Members of the Open Bill Consultative  
All parties registered in EB-2008-0219

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