

June 16, 2009

Kirsten Walli, Board Secretary
ONTARIO ENERGY BOARD
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E5

Dear Ms. Walli:

Re: EB-2009-0055 - Enbridge Gas Distribution Inc.'s (EGD) Application for 2008 Earnings Sharing Disposition and Other Deferral and Variance Accounts Clearance.

Comments of the Industrial Gas Users Association (IGUA).

We write as legal counsel to IGUA.

We have reviewed with our client the application materials and interrogatory responses filed in this matter.

IGUA has noted some of the issues raised through interrogatories, including EGD's proposed treatment of municipal permitting costs through capitalization [Ex. I/T4/S2/p4] and reconciliation of consolidated entity reported ROE with regulated utility ROE [Ex. I/T7/S1]. In connection with the ROE reconciliation issue, IGUA notes CME's submissions herein which posit a possible understatement of ratepayer share of earnings of just under \$5 million. IGUA will review EGD's response to CME's request for further information in this respect through reply argument.

IGUA has also considered that, subject to the issues raised by CME regarding the possibility of earnings understatement, the allocation of earnings sharing to industrial customers is in the range of \$1 million, and the impact of any particular line item findings by the Board would be a small fraction of this total.

Given this small dollar impact on IGUA's constituents, subject to review of EGD's reply reconciling consolidated and utility ROE we have been instructed that IGUA will not oppose any aspect of EGD's application. IGUA has made this determination in deference to regulatory efficiency, and in light of the small rate impacts on its constituents potentially in issue. IGUA further notes that the information provided in the prefiled materials and interrogatory responses will be informative upon consideration of rebasing later in the IRM term.

IGUA would offer one comment on process. While recognizing the willingness of EGD throughout the process to meet with interested stakeholders, IGUA respectfully suggests that provision by the Board for a post-interrogatory response technical conference might, in future, assist parties to explore and determine issues such as those raised by others in their final submissions herein. While some incremental time and cost would be entailed in convening such a technical conference, the resulting record of argument would likely be clearer and of greater assistance to the Board in its determinations.

IGUA submits that it has acted responsibly herein, and requests recovery of 100% of its modest costs for review of this matter.

ALL OF WHICH IS RESPECTFULLY SUBMITTED:

Macleod Dixon, LLP

Per:



Ian A. Mondrow
Counsel to IGUA

- c. Murray Newton, IGUA
Fred Cass, AIRD & BERLIS, Counsel for EGD
Norm Ryckman, EGD
Intervenors of Record

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