



**EB-2008-0219**

**IN THE MATTER OF** the *Ontario Energy Board Act 1998*, S.O.1998, c.15, (Schedule B);

**AND IN THE MATTER OF** an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas commencing January 1, 2009.

### **PROCEDURAL ORDER NO. 7**

Enbridge Gas Distribution Inc. (“Enbridge”) filed an Application on September 26, 2008 (the “Application”) with the Ontario Energy Board (the “Board”) under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998 c.15, (Sched. B), as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2009. The Board assigned file number EB-2008-0219 to the Application and issued a Notice of Application dated October 20, 2008.

The Board proceeded with the Application on a phased basis. Phase 1 addressed the setting of rates pursuant to the Incentive Rate Mechanism approved under EB-2007-0615. Phase 2 dealt with other matters, including contract and force majeure wording in the Rate Handbook and the approval of various fees. The Board issued rate orders pertaining to Phase 1 on February 23, 2009 and pertaining to Phase 2 on July 14, 2009.

Enbridge, by way of letter dated July 24, 2009, notified the Board that for a variety of reasons, neither the February 23, 2009 nor the July 14, 2009 rate orders provided for the establishment of the deferral and variance accounts for 2009, despite prefiled evidence which included evidence on the deferral and variance accounts requested for 2009. The requested accounts are the same as those that the Gas Incentive Regulation Mechanism (“IRM”) Settlement Proposal agreed should be maintained

during the term of the IRM plan. The only exceptions are the two accounts, related to Enbridge's Open Bill Access activities, which are now being considered in a separate proceeding, EB-2009-0043. Enbridge also noted that an additional account, i.e. the International Financial Reporting Standards ("IFRS") Deferral Account was removed from the current list of requested accounts in light of the Board's consultation, under docket EB-2008-0408, on the Transition to International Financial Reporting Standards.

Accordingly, Enbridge has requested that the Board amend the rate order dated February 23, 2009 by way of a supplementary order to establish the deferral and variance accounts for 2009. The requested accounts are listed below.

#### Gas Related Accounts

1. Purchased Gas Variance Account	2009 PGVA
2. Transactional Services Deferral Account	2009 TSDA
3. Unaccounted for Gas Variance Account	2009 UAFVA
4. Storage and Transportation Deferral Account	2009 S&TDA

#### Non-Gas related Accounts

5. Carbon Dioxide Offset Credits Deferral Account	2009 CDOCDA
6. Class Action Suit Deferral Account	2009 CASDA
7. Deferred Rebate Account	2009 DRA
8. Electric Program Earnings Sharing Deferral Account	2009 EPESDA
9. Gas Distribution Access Rule Costs Deferral Account	2009 DARCDCA
10. Manufactured Gas Plant Deferral Account	2009 MGPDA
11. Municipal Permit Fees Deferral Account	2009 MPFDA
12. Ontario Hearing Costs Variance Account	2009 OHCVA
13. Unbundled Rate Implementation Cost Deferral Account	2009 URICDA
14. Unbundled Rates Customer Migration Variance Account	2009 URCMVA
15. Average Use True-Up Variance Account A	2009 AUTUVA
16. Tax Rate and Rule Change Variance Account	2009 TRRCVA
17. Earnings Sharing Mechanism Deferral Account	2009 ESMDA

#### DSM Related Accounts

18. Demand Side Management Variance Account	2009 DSMVA
19. Lost Revenue Adjustment Mechanism	2009 LRAM
20. Shared Savings Mechanism Variance Account	2009 SSMVA

In this regard, Enbridge included a draft Supplementary Order in its correspondence filed with the Board on July 17, 2009. The Board understands that Enbridge copied the intervenors in this proceeding with the aforementioned material.

The Board is of the view that the intervenors and Board staff should be afforded the opportunity to file submissions on the draft Supplementary Order.

The Board may issue further procedural orders from time to time.

**THE BOARD THEREFORE ORDERS THAT:**

1. Enbridge will immediately provide written confirmation to the Board that the intervenors in this proceeding have been served with the correspondence, including the Supplementary Order, Enbridge filed with the Board on July 17, 2009.
2. Intervenors and Board Staff wishing to make a submission on the draft Supplementary Order shall file their submissions with the Board no later than August 24, 2009, and copy all parties.
3. Enbridge may file a reply submission no later than August 31, 2009, and copy all parties.
4. All parties shall file their submissions with the Board Secretary and must quote file number EB-2008-0219. These submissions should be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address and must be sent to the Board by 4:45 pm on the date indicated with a copy to all parties. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available you may email your document to [boardsec@oeb.gov.on.ca](mailto:boardsec@oeb.gov.on.ca). Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies. With respect to

distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Colin Schuch at colin.schuch@oeb.gov.on.ca and Board Counsel, Donna Campbell at donna.campbell@oeb.gov.on.ca.

**DATED** at Toronto, August 12, 2009

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary