



**EB-2009-0172**

## **NOTICE OF APPLICATION**

### **ENBRIDGE GAS DISTRIBUTION INC. RATES FOR 2010**

Enbridge Gas Distribution Inc. ("Enbridge") filed an Application on September 1, 2009 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 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, 2010. Enbridge filed an amended Application on September 14, 2009. This Notice refers to the amended Application. The Board's decision on this Application may have an effect on all of Enbridge's customers.

Enbridge has applied to the Board for new rates for 2010 to be set under the Incentive Regulation plan approved by the Board under File No. EB-2007-0615. 2010 will be the third year of the five year plan. The rates under the plan are adjusted each year by the application of a Distribution Revenue Requirement per Customer Formula (the "Adjustment Formula").

Enbridge has proposed a change to its delivery rates which, if approved by the Board, would result in an average rate increase of about 5.0% or less for all customer classes on a T-service basis (that is, excluding commodity costs). For residential customers, the average T-service increase will be about 5.0%, or about \$30 annually.

The Application also refers to other matters not related to the Adjustment Formula that are requested for determination in this proceeding. The other matters may include the following:

- a Z-factor to recover 2010 pension-related costs, which were not forecast or anticipated, as well as a related variance account;
- a Z-factor to recover costs related to new construction and excavation standards, methods and approaches implemented to, among other things, reduce the incidence of crossbores and costs to identify and address existing crossbores, as well as a related variance account;
- the division of the Y factor related to demand side management (DSM) activities including a base-DSM amount, which includes a new program requested in the current EB-2009-0154 proceeding, and low-income funding comprised of low income DSM program costs and emergency funding both based on the Board's directions in EB-2008-0150;
- the continuation for 2010 of the deferral and variance accounts set out in Appendix B to the Settlement Agreement;
- the continuation for 2010 of certain deferral and variance accounts related to open bill activities and International Financial Reporting Standards (IFRS) costs that were not included in the Settlement Agreement, but which are anticipated to be approved in 2009; and
- approval of a Y-factor and regulatory framework for the offering and provision of district energy and alternative or renewable energy activities and services by the regulated utility in future years.

The Applicant indicated that it would file the evidence in support of the Application by October 1, 2009.

This proceeding will not deal with the commodity cost of natural gas. Any changes to the commodity cost of natural gas for customers that purchase gas directly from Enbridge are addressed through the Quarterly Rate Adjustment Mechanism.

Copies of the Application are available for inspection at the Board's office and Enbridge's office at the addresses listed below.

**Participation**

You may participate in this proceeding in one of three ways:

1. You may send the Board a letter of comment. Your letter must be received by the Board no later than 30 days from the publication or service date of this notice.
2. You may request observer status in order to receive documents issued by the Board in the proceeding. Your request must be made by letter received by the Board no later than 10 days from the publication date of this notice.
3. You may request intervenor status if you wish to actively participate in the proceeding. Your request must be made by letter of intervention received no later than 10 days from the publication date of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the proceeding; and if you represent a group, a description of the group and its membership. The Board may choose to hold a written or an oral hearing. The Board will not hold a written hearing if a party satisfies the Board that there is good reason for holding an oral hearing. Your letter of intervention should indicate your preference for a written or oral hearing, and the reasons for that preference. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from Enbridge and the grounds for your eligibility for costs.
4. You must provide a copy of your letter of intervention to the Board with a copies to Enbridge and Enbridge's counsel, at the following addresses:

**Enbridge Gas Distribution Inc.**

500 Consumers Road  
Toronto, Ontario M2J 1P8  
Attn: Norm Ryckman  
Director, Regulatory Affairs  
Tel: 416-495-5499 or 1-888-659-0685

Mailing Address:  
P.O. Box 650  
Scarborough, ON M1K 5E3  
Tel: 416-495-5499 or 1-888-659-0685  
Fax: 416-495-6072

Email: [EGDRegulatoryProceedings@enbridge.com](mailto:EGDRegulatoryProceedings@enbridge.com)

**The Applicant's counsel:**

Mr. Fred D. Cass  
Aird & Berlis LLP

Address for personal service  
and mailing address:

Brookfield Place, P.O. Box 754  
Suite 1800, 181 Bay Street  
Toronto, ON M5J 2T9  
Tel: 416-865-7742  
Fax: 416-863-1515

Email: [fcass@airdberlis.com](mailto:fcass@airdberlis.com)

**Need more information?**

Further information on how to participate may be obtained by visiting the Board's Web site at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or by calling our Consumer Relations Centre at 1-877-632-2727.

**How to contact us**

In responding to this notice please reference Board file number EB-2009-0172. **It is also important that you provide your name and postal address and, if available, an e-mail address.** All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

If you already have a user ID, please submit your intervention request through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required.

For your convenience, the Board accepts letters of comment by either post or e-mail. Our e-mail address is [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca) Please include the file reference numbers in the subject line of your e-mail.

**Ontario Energy Board**

P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Attn: Kirsten Walli  
Board Secretary

Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**IF YOU DO NOT FILE A LETTER STATING YOUR WISH TO PARTICIPATE IN THIS PROCEEDING, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE OF THE PROCEEDING.**

**Ce document est disponible en français.**

**DATED** at Toronto, September 18, 2009  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary