



By E-mail

September 18, 2007

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
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Toronto, ON M4P 1E4

Dear Ms Walli

**IGUA Comments on Motion of Consumers Council of Canada ("CCC")**

**Enbridge Gas Distribution Inc. ("EGD")**  
**Board File No.: EB-2007-0615**  
**Our File No.: 302701-000411**

**Union Gas Limited ("Union")**  
**Board File No.: EB-2007-0606**  
**Our File No.: 302701-000411**

Pursuant to Procedural Order No. 7, the Industrial Gas Users Association ("IGUA") provides the following comments and submissions with respect to matters raised in the Motion of the Consumers Council of Canada ("CCC") dated August 23, 2007.

IGUA submits that CCC's request for interim cost award relief in these particular proceedings should be granted. In proceedings of this nature, which take place over many months, cost award eligible parties, such as the CCC, who depend upon the amounts awarded to participate in the proceedings, should not be required to finance, for an extensive period of time, unawarded, unassessed and/or unpaid cost award amounts.

Many months have elapsed since CCC retained Mr. Loube and an interim cost award should issue immediately to cover his charges to date, as CCC requests.

In addition, because of the complexity and anticipated duration of these proceedings, IGUA urges the Board to consider adopting a process which will allow interim cost claims to be submitted at various stages of the process established by the Board for resolving matters in dispute. For example, consideration could be given to issuing interim Cost Awards prior to the commencement of the oral hearing, at the conclusion of the oral hearing, and after conclusion of argument and the rendering of a decision.

As a cost eligible participant in proceedings before the Board, IGUA's participation in Board proceedings, like that of CCC, depends upon the timely awarding, assessment and payment of cost award amounts. As of September 18, 2007, the total amount of unpaid

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Cost Claims submitted by IGUA with respect to its participation in proceedings before the Board was \$193,402.76. Some of IGUA's Cost Claims date back many months, the oldest dating back to November 2006, more than 10 months ago.

With the flurry of Cost Awards which issued in the last week or so, a number of IGUA's outstanding Cost Claims have now been awarded. However, in some cases, the amounts have yet to be assessed. In other cases, the awards are pending. In one electricity case, the amount has been awarded and assessed but payment has been delayed for many months because the Board must first collect funds from a large number of electricity utilities.

IGUA respectfully suggests that something needs to be done to alleviate the burden on intervenors such as CCC, IGUA and others of having to pay financing costs associated with unpaid Cost Claims.

IGUA urges the Board to consider whether it would be possible to introduce a metric which requires the Cost Claims of eligible intervenors to be considered, awarded, assessed and paid within a fixed period of time following the release of a Board Decision resolving matters in issue.

If such an approach is feasible, then IGUA suggests that a reasonable metric would be to require the Cost Claims of eligible participants to be awarded, assessed and paid within ninety (90) days from the release of the Board Decision. Cost Awards made, assessed or paid after 90 days should include an interest component. The utilities the Board regulates claim and recover interest on their accounts receivable long before 90 days have elapsed from the date the claim arose.

For all of these reasons, IGUA supports the approval of an interim cost award regime of the type that CCC has proposed.

Please contact me if the Board requires any further information from us in connection with these comments and submissions.

Yours very truly



Peter C.P. Thompson, Q.C.

PCT\slc

c. Robert Warren (WeirFoulds LLP)  
Interested Parties EB-2007-0606 and EB-2007-0615  
Murray Newton (Industrial Gas Users Association)  
Vince DeRose (Borden Ladner Gervais)

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