

November 23, 2009

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Suite 2701  
2300 Yonge Street  
Toronto ON M4P 1E4

**Robert B. Warren**  
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Dear Ms Walli:

**Re: EB-2009-0154/ Enbridge Gas Distribution Inc./  
2010 Natural Gas Demand Side Management Plan – Low Income**

On May 13, 2009, the Ontario Energy Board ("Board") issued a letter directing Union Gas Limited ("Union") and Enbridge Gas Distribution Inc. ("EGD") to remove programs related to their 2010 Demand Side Management ("DSM") plans given that the Board was considering the development of those plans through other processes. On September 28, 2009 the Minister of Energy and Infrastructure advised the Board of the Government's intention to develop a province-wide program for low-income energy consumers. In light of the letter from the Minister, the Board directed Union and EGD to file their 2010 low-income plans consistent with the existing DSM framework.

On October 15, 2009 EGD filed evidence describing its proposals for its 2010 low-income DSM program. These are the submissions of the Consumers Council of Canada ("Council") regarding EGD's proposals.

The Council submits that EGD has filed its 2010 plan consistent with the existing framework, with one exception. Included as part of its filing is a proposal to undertake a solar water heating program. EGD's evidence is that it is proposing to spend \$1.4 million to take advantage of a time-sensitive opportunity in the market to install 200 solar thermal water heaters in social housing projects at a reduced cost (Ex. D/T1/S1/p. 2). EGD argues that, not only will this technology lower water heating bills, but it is intended to increase awareness and acceptance of the technology for the broader community across all income levels (EX. D1/T1/S1/p. 4). The purpose of the program is to address an income and education barrier in the low-income market and to take advantage of several limited-time third party financial incentives that are available in 2010. EGD admits that the program does not pass the Total Resource Cost ("TRC") test (Ex. I/ T1/S1).

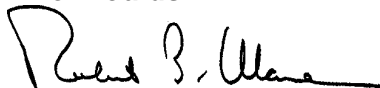
EGD is asking that its residential customers pay the full cost, net of rebates, of the solar water heaters that will be installed in social housing. The Council submits that it is simply not fair to ask EGD's residential customers to subsidize the roll-out of this technology to a very small number of social housing units at this time.

The Council submits that the program is not cost-effective. In addition, the Council submits that EGD's proposal is not consistent with the existing DSM framework, as required by the Board's direction. The Council further submits that, if EGD's shareholders wish to pursue such a program, they should do so outside of the regulated utility operations. To allow EGD to move forward with this initiative, simply to assist the Government of Ontario achieve its energy conservation goals, without regard to the costs to ratepayers, would be inappropriate. In addition, it is questionable to what extent this program will "increase awareness and acceptance of the technology for the broader community across all income levels".

The Council has consistently supported the development and implementation of cost-effective DSM programs. The Council submits that, when the technology has been developed to install solar water heaters which will bring benefits to consumers, and reduce energy consumption in a cost effective manner, the program could be adopted. When the appropriate cost-effective technology is available, EGD can, at that time, bring forward its proposal.

Yours very truly,

**WeirFoulds LLP**



Robert B. Warren

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