



EB-2009-0172

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, 2010.

PROCEDURAL ORDER NO. 3

Enbridge Gas Distribution Inc. ("Enbridge" or the "Applicant") filed an Application on September 1, 2009 (as amended on September 14, 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. The Board assigned file number EB-2009-0172 to the Application and has issued a Notice of Application dated September 18, 2009 (the "Notice").

The Application is for rates for 2010 to be set under the Incentive Regulation plan methodology as 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"). The Applicant's evidence was filed on October 1, 2009.

Procedural Orders Nos. 1 and 2 dealt with a Preliminary Motion in which the Board sought and heard jurisdictional arguments on Enbridge's proposed Green Energy Initiatives. The Board held a hearing on the matter on November 24, 2009 and issued its Decision on December 22, 2009.

The Board will now make provision for the following procedural matters. A Case Timetable is attached as Appendix "A". A Draft Issues List is attached as Appendix "B".

Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. The approved List of Intervenor is attached as Appendix "C" to this procedural order.
2. All parties, including Enbridge, wishing to make a submission on the Draft Issues List attached to this Order may do so on or before **January 8, 2009**.
3. Enbridge may reply to any submission on the Draft Issues List by **January 13, 2010**.
4. Enbridge may, at its option, file updated evidence by **January 22, 2010**.
5. Parties seeking information and material on Enbridge's evidence shall request it by written interrogatories filed with the Board and delivered to all the parties no later than **January 26, 2010**.
6. Enbridge shall file complete responses to all the interrogatories with the Board and deliver the responses to the other parties no later than **February 9, 2010**.
7. A Technical Conference shall be convened on **February 11, 2010** so that the Applicant and parties may respond to questions related to the filed evidence. The Technical Conference may proceed on **February 12, 2010** if required. The Technical Conference will be transcribed and will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto at 9:30 a.m.
8. Enbridge and the other parties will respond to any undertakings given at the Technical Conference on or before **February 17, 2010**.
9. A Settlement Conference will be convened at 9:00 a.m. on **February 22, 2010** with the objective of reaching a settlement among the parties on the issues.

The Settlement Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, and may continue until **February 24, 2010** if needed.

10. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. on **March 1, 2010**.
11. The oral hearing will commence on **March 4, 2010** at 9:30 a.m. The hearing may proceed on **March 5, 8, 9** and **11**, if needed.

All parties shall file their submissions with the Board Secretary and must quote file number EB-2009-0172. These submissions should be made through the Board's web portal at 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. If the web portal is not available you may email your document to the addresses below. 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, December 23, 2009
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

Enbridge 2010 Rates EB-2009-0172

Case Timetable

	Event	Date
1.	Procedural Order No. 3	December 23
2.	Submissions on Draft Issues List	January 8
3.	Submissions on Draft Issues List - Reply	January 13
4.	Procedural Order No. 4 – Final Issues List	January 20
5.	Enbridge updated evidence filed	January 22
6.	Interrogatories filed	January 26
7.	Interrogatory responses	February 9
8.	Technical Conference	February 11 & 12
9.	Undertakings from Tech. Conf. filed	February 17
10.	Settlement Conference	February 22, 23 & 24
11.	File Settlement Proposal	March 1
12.	Oral Hearing	March 4, 5, 8, 9, 11

APPENDIX B

Draft Issues List

Enbridge 2010 Rates - EB-2009-0172

1. Has Enbridge calculated its proposed distribution revenue requirement, including the assignment of that revenue requirement to the rate classes and the resulting rates, in accordance with the EB-2007-0615 incentive settlement agreement?
2. Is the forecast of degree days appropriate?
3. Is the forecast of average use appropriate?
4. Is the forecast of customer additions appropriate?
5. Is the gas volume budget appropriate?

Y FACTORS

6. Is the amount proposed for the Y factor Power Generation Projects appropriate?
7. Is the amount proposed for the Y factor DSM Program appropriate?
8. Is the amount proposed for the Y factor for Gas in Storage and related carrying costs appropriate?
9. Is the amount proposed for the Y factor for CIS Customer Care appropriate?

Z FACTORS

10. Is it appropriate to have a Z factor for the Pension Funding costs and if so, is the amount proposed appropriate? In connection with this issue, is it appropriate to establish a Pension Funding costs variance account ("PFCVA")?

11. Is it appropriate to have a Z factor for the Crossbores/Sewer Laterals and if so, is the proposed amount appropriate? In connection with this issue, is it appropriate to establish a Crossbores/Sewer Laterals costs variance account ("CBSLCVA")?

DEFERRAL AND VARIANCE ACCOUNTS

12. Is it appropriate to establish for 2010 the previously agreed upon list of deferral and variance accounts from the Settlement Agreement in the EB-2007-0615 proceeding?
13. Is it appropriate to establish for 2010 the Open Bill Revenue variance account ("OBRVA") and the Ex-Franchise Third Party Billing Services deferral account ("EFTPBSDA")?
14. Is it appropriate to establish for 2010 the accounts relate to: (i) the International Financial Reporting Standards Transition Costs deferral account ("IFIRSTCDA"), (ii) the Purchased Gas Variance Disposition Change Cost variance account ("PGVDCCVA") and (iii) the Mean Daily Volume Mechanism deferral account ("MDVMDA").

OTHER ISSUES

15. Is the adjustment calculated for the Tax Rate and Rule Change variance account ("TRRCVA") appropriate (Ex. C-1-4)?
16. Review of the filed results of Enbridge's Service Quality Requirements Performance and Measurement reports (GDAR) for 2007 and 2008 and a discussion of what, if any, remedial action should be taken.

IMPLEMENTATION

17. How should the new rates be implemented?

APPENDIX C

**Enbridge 2010 Rates
EB-2009-0172**

List of Intervenor

DATED: December 23, 2009

**Enbridge Gas Distribution Inc.
EB-2009-0172**

APPLICANT & LIST OF INTERVENORS

December 23, 2009

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**Enbridge Gas Distribution Inc.
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APPLICANT & LIST OF INTERVENORS

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**Enbridge Gas Distribution Inc.
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**Enbridge Gas Distribution Inc.
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