

Fred Cass
Direct: 416-865-7742
E-mail: fcass@airdberlis.com

January 7, 2010

Kirsten Walli, Board Secretary
Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. – 2010 Rate Adjustment
EB-2009-0172**

On December 22, 2009, the Board issued its Decision on a Preliminary Motion regarding the Green Energy Initiatives proposed by Enbridge Gas Distribution Inc. In the Decision (at page 5), the Board indicated that, even if it does have jurisdiction to include the costs of the Green Energy Initiatives in rate base, it will not allow such costs to be included in rate base.

Procedural Order No. 1 in this case initiated the Preliminary Motion to deal with certain jurisdictional issues raised by the Board itself. In Procedural Order No. 2, the Board re-stated the jurisdictional issues that were to be answered on the Preliminary Motion. The Board heard submissions on these jurisdictional issues, both in writing and orally, before issuing its Decision on December 22nd in which it did not decide the jurisdictional issues.

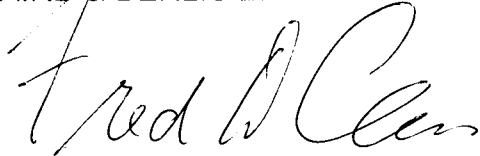
Enbridge believes that the Green Energy Initiatives are of such importance as to warrant a full debate on the non-jurisdictional matters and grounds upon which the Board based its Decision. Nevertheless, in view of the timing of the ongoing 2010 rate adjustment proceeding and to provide clarity as the Board proceeds to establish the Issues List for the proceeding, Enbridge will withdraw its proposals regarding the Green Energy Initiatives from consideration in the particular context of the 2010 rate case. Consequential updates to financial schedules will be

filed by January 22, 2010, in accordance with the provisions of Procedural Order No. 3.

If you have any questions in this regard, please do not hesitate to contact us.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Fred D. Cass". The signature is fluid and cursive, with the first name "Fred" being more prominent.

Fred D. Cass

FDC/

c.c. N. Ryckman/P. Hoey
All intervenors in EB-2009-0172