



**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. 6**

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").

In Procedural Order No. 5 issued on February 10, 2010 the Board amended the Final Issues List for the proceeding to include a new issue about the ROE to be used in the 2010 earnings sharing calculation (the "ROE Issue").

By letter dated February 10, 2010 the School Energy Coalition ("SEC") requested that the Board amend the submissions process outlined in Procedural Order No. 5 to include an initial step, in which Enbridge would outline the rationale for its interpretation of the Settlement Agreement with respect to the ROE Issue. The other steps in Procedural Order No. 5 would remain.

The Board agrees with SEC and will amend its process for submissions on the ROE Issue.

Also, the Board has observed a typographical error on the Final Issues List appended to Procedural Order No. 5. The two Z factor issues (previously issues 10 and 11) were inadvertently merged into one. The corrected Final Issues List is attached to this order.

The up-to-date Intervention List is also attached to this order.

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

**THE BOARD ORDERS THAT:**

1. The corrected Final Issues List is attached as Appendix "A" to this procedural order.
2. Enbridge shall file its argument-in-chief on the ROE Issue by February 22, 2010.
3. Parties wishing to make written submissions on the ROE Issue shall file such submissions with the Board and serve them on all parties by March 2, 2010.
4. Enbridge may file its Reply to any submissions on the ROE Issue by March 9, 2010.
5. 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](http://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](http://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](mailto:colin.schuch@oeb.gov.on.ca) and Board Counsel, Donna Campbell at [donna.campbell@oeb.gov.on.ca](mailto:donna.campbell@oeb.gov.on.ca).

**DATED** at Toronto, February 18, 2010

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

## **APPENDIX A**

### **Final Issues List (as amended February 10, 2010 and corrected February 18, 2010)**

#### **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 ("IFRSTCDA"), (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 to the incremental tax amounts "Y factor" 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.
17. Does the calculation of the earnings sharing referred to in Section 10.1 of the IRM Settlement Agreement require the use of an ROE based on the Board's cost of capital policy in effect at the time the IRM Settlement Agreement was entered into, or the 2009 Cost of Capital Report, which is in effect at the time the earnings sharing calculation will be performed? (the "ROE Issue")

## **IMPLEMENTATION**

18. How should the new rates be implemented?

**APPENDIX B**

**Enbridge Gas Distribution Limited**

**Intervention List**

**EB-2009-0172**

**February 18, 2010**

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

**APPLICANT & LIST OF INTERVENORS**

February 18, 2010

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