



EB-2010-0042

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Sched. B);

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an order or orders approving the clearance or disposition of amounts recorded in certain deferral or variance accounts.

NOTICE OF APPLICATION & PROCEDURAL ORDER NO. 1

Enbridge Gas Distribution Inc. ("Enbridge" or the "Company") filed an application, dated April 16, 2010 (the "Application"), with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, S.O. 1998, c.15, Schedule B* (the "Act") for an order approving the disposition of balances in certain deferral or variance accounts.

Enbridge filed evidence which shows that the total amount forecasted for disposition in the deferral and variance accounts is a customer credit of \$38.3 million. The disposition would take place as a one time billing adjustment on customer's bills in the month of October, 2010. The evidence also includes bill impacts which show that the impact on a typical residential customer taking gas supply service from the Company is a one time credit of \$23. For customers taking their gas supply from a retailer, the impact is a debit ranging from about \$0 to \$4.

The Board has determined that the list of deferral and variance accounts requested for disposition and included in the Application as Appendix A (found at Exhibit A, Tab 2, Schedule 1, Appendix A) shall serve as the Issues List for the proceeding. The Issues List is attached as Appendix "A".

For the purposes of this proceeding, the Board has determined that it will adopt the List of Intervenor approved in the current Enbridge 2010 IRM rates proceeding (Board File No. EB-2009-0172). The List of Intervenor is attached as Appendix "B". Parties deemed eligible for an award of costs in the EB-2009-0172 proceeding shall also be eligible to claim an award of costs in this proceeding. Any parties **not** wishing to be included on the list for this proceeding should contact the Board in writing and request to be removed from the list.

The Board notes that Enbridge has provided a copy of the Application and the evidence to all parties listed in the EB-2009-0172 proceeding on April 16, 2010.

The Board will now make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. 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 May 19, 2010.
2. Enbridge shall file complete responses to all the interrogatories with the Board and deliver the responses to the other parties no later than June 9, 2010.
3. A Settlement Conference will be convened at 9:00 a.m. on June 21, 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 June 22, 2010 if needed.
4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. on June 29, 2010.
5. All parties shall file their submissions with the Board Secretary and must quote File Number EB-2010-0042. 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, Maureen Helt at maureen.helt@oeb.gov.on.ca.

DATED at Toronto, May 6, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX “A”

ISSUES LIST

Enbridge 2009 Deferral & Variance Account Clearances

EB-2010-0042

ISSUES LIST

Enbridge 2009 Deferral & Variance Account Clearances

EB-2010-0042

ENBRIDGE GAS DISTRIBUTION INC. DEFERRAL & VARIANCE ACCOUNT ACTUAL & FORECAST BALANCES

		Col. 1	Col. 2	Col. 3	Col. 4	
Line No.	Account Description	Account Acronym	Actual at February 28, 2010		Forecast for clearance at October 1, 2010	
			Principal	Interest	Principal	Interest
			(\$000's)	(\$000's)	(\$000's)	(\$000's)
<u>Non Commodity Related Accounts</u>						
1.	Demand Side Management V/A	2008 DSMVA	(73.3)	(56.1)	(73.3)	(56.3)
2.	Lost Revenue Adjustment Mechanism	2008 LRAM	37.3	0.1	37.3	0.2
3.	Shared Savings Mechanism V/A	2008 SSMVA	5,803.2	5.3	5,803.2	24.2
4.	Class Action Suit D/A	2009/10 CASDA	18,838.2	1,534.4	4,709.5	414.1
5.	Deferred Rebate Account	2009 DRA	2.7	(0.1)	-	-
6.	Gas Distribution Access Rule Costs D/A	2009 GDARCD A	188.7	0.8	2,838.8	-
7.	Ontario Hearing Costs V/A	2009 OHCVA	531.7	0.6	474.5	2.0
8.	Open Bill Service D/A	2009/10 OBSDA	526.2	15.9	87.7	3.0
9.	Open Bill Access V/A	2009/10 OBAVA	476.7	5.9	79.5	1.2
10.	Municipal Permit Fees D/A	2009 MPFDA	916.1	-	202.2	-
11.	Average Use True-Up V/A	2009 AUTUVA	5,626.9	5.2	5,626.9	23.4
12.	Tax Rate and Rule Change V/A	2009 TRRCVA	(350.0)	(0.3)	(350.0)	(1.7)
13.	Earnings Sharing Mechanism D/A	2009 ESM DA	(18,750.0)	(17.2)	(19,300.0)	(77.4)
14.	IFRS Transition Costs D/A	2009 IFRSTCDA	2,111.0	1.9	2,111.0	8.9
15.	Ex-Franchise Third Party Billing Services D/A	2009 EFTPBSDA	(27.9)	-	(27.9)	(0.1)
16.	Total non commodity related accounts		15,857.5	1,496.4	2,219.4	341.5
<u>Commodity Related Accounts</u>						
17.	Purchased Gas V/A	2009 PGVA	(116,672.9)	(2,287.8)	(39,270.0)	(2,497.4)
18.	Transactional Services D/A	2009 TSDA	(7,062.1)	(9.5)	(7,062.1)	(31.9)
19.	Unaccounted for Gas V/A	2009 UAFVA	9,596.7	8.8	9,596.7	39.6
20.	Storage and Transportation D/A	2009 S&TDA	(1,594.8)	(4.6)	(1,594.8)	(9.5)
21.	Total commodity related accounts		(115,733.1)	(2,293.1)	(38,330.2)	(2,499.2)
22.	Total Deferral and Variance Accounts		(99,875.6)	(796.7)	(36,110.8)	(2,157.7)

Notes:

- As approved in EB-2007-0731, the CASDA is to be cleared over 5 years (2008 - 2012). The 2008 installment was cleared in July and August 2008, and the 2009 installment will occur in April and May 2010. The Company now proposes to clear the 2010, or third installment, beginning October 1, 2010. The forecast of interest to be cleared, utilized the Board's current prescribed interest rate for deferral accounts for (Q2 2010) but will be updated with future prescribed rates as well.
- The forecast 2009 GDARCD A and 2009 MPFDA amounts for clearance are the result of revenue requirement calculations. (Found in evidence at Ex.C, T1, S2 and Ex.C, T1, S3)
- The forecast OBSDA and OBAVA balances are in accordance with the EB-2009-0043 approved settlement agreement.
- The AUTUVA explanation is found in evidence at Ex.C, T1, S5.
- The TRRCVA explanation is found in evidence at Ex.C, T1, S4.
- The ESM DA explanation is found in evidence at Ex.B, T1, S1&2.
- This is a projected final 2009 PGVA balance. The actual balance proposed for clearance will be determined, and updated, once the impact of the existing rate Rider "C", in place until March 31, 2010, is determined.

APPENDIX "B"

APPLICANT AND LIST OF INTERVENORS

Enbridge 2009 Deferral & Variance Account Clearances

EB-2010-0042

**Enbridge Gas Distribution Inc.
EB-2010-0042**

APPLICANT & LIST OF INTERVENORS

May 6, 2010

APPLICANT

Rep. and Address for Service

Enbridge Gas Distribution Inc.

Norm Ryckman

Director, Regulatory Affairs
Enbridge Gas Distribution Inc.
500 Consumers Road
Toronto, ON M2J 1P8

Tel: 416-495-5499

Fax: 416-495-6072

EGDRegulatoryProceedings@enbridge.com

APPLICANT COUNSEL

Fred Cass

Aird & Berlis LLP
Brookfield Place, P.O. Box 754
Suite 1800, 181 Bay Street
Toronto ON M5J 2T9
Tel: 416-865-7742
Fax: 416-863-1515
fcass@airdberlis.com

INTERVENORS

**Association of Power
Producers of Ontario**

Rep. and Address for Service

David Butters

President
Association of Power Producers of Ontario
25 Adelaide St. E.
Suite 1602
Toronto ON M5C 3A1
Tel: 416-322-6549 Ext: 231
Fax: 416-481-5785
David.Butters@appro.org

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 2 -

May 6, 2010

**Association of Power
Producers of Ontario**

John Wolnik

Elenchus Research Associates (ERA)
34 King St. E.
6th Floor
Toronto ON M5C 2X8
Tel: 519-474-0844
Fax: 519-474-0844
jwolnik@era-inc.ca

Richard King

Ogilvy Renault LLP
Suite 3800, P.O. Box 84
Royal Bank Plaza, South Tower
200 Bay St.
Toronto ON M5J 2Z4
Tel: 416-216-2311
Fax: 416-216-3930
rking@ogilvyrenault.com

BP Canada Energy Company

Peter Exall

BP Canada Energy Company
240-4 Avenue S.W.
P.O. Box 200
Calgary AB T2P 2H8
Tel: 403-233-1252
Fax: 403-233-5667
peter.exall@bp.com

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 3 -

May 6, 2010

**Building Owners and
Managers Association of
Greater Toronto**

Chris Conway

Building Owners and Managers Assoc. of the Greater
Toronto Area (BOMA)
20 Queen Street West
Suite 2012
Toronto ON M5H 3R3
Tel: 416-596-8065
Fax: 416-596-1085
cconway@bomatoronto.org

Randy Aiken

Aiken & Associates
578 McNaughton Ave. W.
Chatham ON N7L 4J6
Tel: 519-351-8624
Fax: 519-351-4331
raiken@xcelco.on.ca

**Canadian Manufacturers &
Exporters**

Peter Thompson

Borden Ladner Gervais LLP
100 Queen St.
Suite 1100
Ottawa ON K1P 1J9
Tel: 613-787-3528
Fax: 613-230-8842
pthompson@blgcanada.com

Vincent DeRose

Borden Ladner Gervais LLP
100 Queen St.
Suite 1100
Ottawa ON K1P 1J9
Tel: 613-787-3589
Fax: 613-230-8842
vderose@blgcanada.com

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 4 -

May 6, 2010

**Canadian Manufacturers &
Exporters**

Paul Clipsham

Director of Policy, Ontario Division
Canadian Manufacturers & Exporters
6725 Airport Rd.
Suite 200
Mississauga ON L4V 1V2
Tel: 905-672-3466 Ext: 3236
Fax: 905-672-1764
paul.clipsham@cme-mec.ca

Consumers Council of Canada Julie Girvan

Consultant
Consumers Council of Canada
2 Penrose Road
Toronto ON M4S 1P1
Tel: 416-322-7936
Fax: 416-322-9703
jgirvan@ca.inter.net

Robert B. Warren

WeirFoulds LLP
The Exchange Tower
Suite 1600, P.O. Box 480
130 King Street West
Toronto ON M5X 1J5
Tel: 416-947-5075
Fax: 416-365-1876
rwarren@weirfoulds.com

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 5 -

May 6, 2010

**Direct Energy Marketing
Limited**

Ric Forster

Director
Direct Energy Marketing Inc.
2225 Sheppard Avenue E.
Atria III
Toronto ON M2J 5C2
Tel: 416-718-5942
Fax: 416-758-4272
ric.forster@directenergy.com

ECNG Energy LP

Bill Killeen

Director, Energy Supply & Regulatory
ECNG Energy L.P.
5575 North Service Rd.
Suite 400
Burlington ON L7L 6M1
Tel: 905-635-3288
Fax: 905-635-3298
bkilleen@ecng.com

Energy Probe

David MacIntosh

Consultant
Energy Probe
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 235
Fax: 416-964-8239
DavidMacIntosh@nextcity.com

IGUA

Ian Mondrow

Macleod Dixon LLP Barristers & Solicitors
Toronto Dominion Centre
2300 - 79 Wellington St. W.
Toronto ON M5K 1H1
Tel: 416-203-4435
Fax: 416-360-8277
ian.mondrow@macleoddixon.com

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 6 -

May 6, 2010

IGUA

Murray Newton

President

Industrial Gas Users Association

99 Metcalfe St. Suite 1201

Ottawa ON K1P 1J9

Tel: 613-236-8021

Fax: 613-230-9531

mnewton@igua.ca

Just Energy Ontario L.P.

Nola Ruzycki

Director, Regulatory Affairs

Just Energy Ontario L.P.

6345 Dixie Rd. Suite 200

Mississauga ON L5T 2E6

Tel: 905-795-4204

Fax: 905-564-6069

nruzycki@justenergy.com

Natural Gas Specialist

Jason Stacey

Natural Gas Specialist

471 Lincoln Gate

Oakville ON L6H 3J8

Tel: 905-338-8786

Fax: 905-338-5348

jfstacey@interlog.com

**Ontario Association of
Physical Plant Administrators**

Valerie Young

Director, Research & Analysis

Aegent Energy Advisors Inc.

1 Eva Rd. Suite 317

Toronto ON M9C 4Z5

Tel: 16-622-9449 Ext: 104

Fax: 16-622-9797

vyoung@aegent.ca

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 7 -

May 6, 2010

Ontario Power Generation Inc. Barbara S. Reuber

Director, Ontario Regulatory Affairs
Ontario Power Generation Inc.
700 University Ave. H18-G2
Toronto ON M5G 1X6
Tel: 416-592-5419
Fax: 416-592-8519
barbara.reuber@opg.com

Pollution Probe Foundation

Basil Alexander

Klippensteins, Barristers & Solicitors
160 John St. Suite 300
Toronto ON M5V 2E5
Tel: 416-598-0288
Fax: 416-598-9520
basil.alexander@klippensteins.ca

Jack Gibbons

Public Interest Economics
625 Church St. Suite 402
Toronto ON M4Y 2G1
Tel: 416-926-1907 Ext: 240
Fax: 416-926-1601
jgibbons@pollutionprobe.org

Murray Klippenstien

Klippensteins, Barristers & Solicitors
160 John St. Suite 300
Toronto ON M5V 2E5
Tel: 416-598-0288
Fax: 416-598-9520
murray.klippenstein@klippensteins.ca

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 8 -

May 6, 2010

PowerStream Inc.

Christine Dade

Manager
PowerStream Inc.
161 Cityview Boulevard
Vaughan ON L4H 0A9
Tel: 905-532-4538
Fax: 905-532-4616
PowerStreamRegulatory@powerstream.ca

School Energy Coalition

Wayne McNally

SEC Coordinator, OESC
Ontario Public School Boards' Association
439 University Avenue
18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wmcnally@opsba.org

Jay Shepherd

Jay Shepherd Professional Corporation
120 Eglinton Avenue East
Suite 500
Toronto ON M4P 1E2
Tel: 416-804-2767
Fax: 416-214-5424
jay.shepherd@canadianenergylawyers.com

**Shell Energy North America
(Canada) Inc.**

Paul Kerr

Manager, Market Affairs
Shell Energy North America (Canada) Inc.
90 Sheppard Ave E.
Suite 600
Toronto ON M2N 6Y2
Tel: 416-227-7312
Fax: 416-227-7342
paul.kerr@shell.com

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 9 -

May 6, 2010

**Toronto Hydro-Electric
System Limited**

Colin McLorg

Manager, Regulatory Affairs
Toronto Hydro-Electric System Limited
14 Carlton Street
Toronto ON M5B 1K5
Tel: 416-542-2513
Fax: 416-542-2776
regulatoryaffairs@torontohydro.com

TransCanada Energy Ltd.

Brian Kelly

Manager
TransCanada Energy Ltd.
55 Yonge Street
8th Floor
Toronto ON M5E 1J4
Tel: 416-869-2183
Fax: 416-869-2114
brian_kelly@transcanada.com

Joel Forrest

Senior Legal Counsel
TransCanada Energy Ltd.
450- 1st Street S. W.
Calgary AB T2P 5H1
Tel: 403-920-6156
Fax: 403-920-2354
joel_forrest@transcanada.com

**TransCanada PipeLines
Limited**

James Bartlett

Manager, Regulatory Research & Analysis
TransCanada PipeLines Limited
450-1st Street S.W.
Calgary AB T2P 5H1
Tel: 403-920-7165
Fax: 403-920-2347
jim_bartlett@transcanada.com

**Enbridge Gas Distribution Inc.
EB-2010-0042**

APPLICANT & LIST OF INTERVENORS

- 10 -

May 6, 2010

**TransCanada PipeLines
Limited**

Kevin Thrasher

Senior Legal Counsel
TransCanada PipeLines Limited
450-1st St. S.W.
Calgary AB T2P 5H1
Tel: 403-920-7838
Fax: 403-920-2354
kevin_thrasher@transcanada.com

Murray Ross

TransCanada PipeLines Limited
55 Yonge St. 8th Floor
Toronto ON M5E 1J4
Tel: 416-869-2110
Fax: 416-869-2119
murray_ross@transcanada.com

Union Gas Limited

Patrick McMahon

Manager, Regulatory Research and Records
Union Gas Limited
50 Keil Drive North
Chatham ON N7M 5M1
Tel: 519-436-5325
Fax: 519-436-4641
pmcmahon@uniongas.com

**Vulnerable Energy Consumers
Coalition**

Michael Buonaguro

Public Interest Advocacy Centre
34 King St. E. Suite 1102
Toronto ON M5C 2X8
Tel: 416-348-0814
Fax: 416-348-0641
mbuonaguro@piac.ca

Enbridge Gas Distribution Inc.

EB-2010-0042

APPLICANT & LIST OF INTERVENORS

- 11 -

May 6, 2010

**Vulnerable Energy Consumers Roger Higgin
Coalition**

Managing Associate
Econalysis Consulting Services Inc.
34 King St. E.
Suite 1102
Toronto ON M5C 2X8
Tel: 416-348-0193
Fax: 416-348-0641
rhiggin@econalysis.ca