



EB-2010-0175

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 approval of its 2011 Natural Gas
Demand Side Management Plan.

PROCEDURAL ORDER No. 1

Enbridge Gas Distribution Inc. ("Enbridge" or the "Applicant") has filed an application with the Ontario Energy Board (the "Board"), received on May 28, 2010, under the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B) for an order granting approval of its 2011 Natural Gas Demand Side Management ("DSM") Plan.

Notice of Application was served as directed by the Board.

As a result of the Notice of Application being served, Canadian Manufacturers & Exporters ("CME"), Energy Probe, Green Energy Coalition ("GEC"), Industrial Gas Users Association ("IGUA"), Low-Income Energy Network ("LIEN"), Ontario Sustainable Energy Association ("OSEA"), Pollution Probe, Toronto and Region Conservation Authority ("TRCA") and Vulnerable Energy Consumers Coalition ("VECC") requested intervenor status and requested eligibility for an award of costs.

Subject to Enbridge's right to object, the Board grants the intervention requests and costs eligibility to CME, Energy Probe, GEC, IGUA, LIEN, Pollution Probe, and VECC.

The Board accepts TRCA's participation as an intervenor in this proceeding. However, the Board has determined that TRCA does not meet the eligibility requirements under section 3 of the Board's *Practice Direction on Cost Awards*, and is therefore not eligible for an award of costs. TRCA's mandate does not include the representation of the

direct interest of consumers (e.g. ratepayers) and TRCA has not demonstrated that they primarily represent a public interest issue with respect to issues in this proceeding.

OSEA's participation as an intervenor in this case is accepted. The Board notes that OSEA's mandate is primarily to promote renewable energy and community sustainability. The Board notes that OSEA's members include generators, a group that is specifically excluded from cost award eligibility, except in special circumstances. OSEA has not demonstrated that an exception to the Board's cost award eligibility criteria should be made in this case. OSEA does not represent the direct interests of consumers and does not primarily represent a public interest issue with respect to issues in this case. The Board therefore does not find OSEA to be eligible for cost awards.

Enbridge has seven (7) days from the time of this Procedural Order being issued to object to any intervention requests.

The Board has the expectation that all cost eligible intervenors will cooperate to the maximum extent possible and will be mindful of avoidable duplication.

The Board has determined that it is necessary to make the following provisions related to this proceeding:

THE BOARD ORDERS THAT:

1. Intervenor and Board Staff who seek additional information and material from the Applicant that is in addition to the evidence filed with the Board shall request it by written interrogatories filed with the Board, and delivered to the Applicant on or before **Thursday August 5, 2010**.

All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based.

2. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **Thursday August 19, 2010**.
3. Any party that wishes to make submissions on Enbridge's application or interrogatory responses shall do so by written submissions filed with the Board, and delivered to Enbridge, on or before **Thursday September 2, 2010**.

4. Enbridge may respond by written submission filed with the Board, and delivered to all parties, on or before **Friday September 10, 2010**.

If you have a user ID, please submit your interrogatories or submission through the Board's web portal at www.errr.oeb.gov.on.ca in searchable/unrestricted PDF format. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. You may also send your submission by e-mail to the following address: boardsec@oeb.gov.on.ca. Additionally, two paper copies are required and should be sent to the addresses below. Those who do not have Internet access are asked to submit their interrogatories or submissions on a CD in PDF format, along with three paper copies by 4:00pm on the date indicated, and copy all parties. Parties must also include the Case Manager, Vince Mazzone vince.mazzone@oeb.gov.on.ca and Board Counsel, Michael Millar michael.millar@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto July 16, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

**Enbridge Gas Distribution Inc.
EB-2010-0175**

APPLICANT & LIST OF INTERVENORS

July 16, 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

Aird & Berlis LLP

Mr. Dennis O'Leary

Aird & Berlis LLP

181 Bay Street
Suite 1800
Box 754
Toronto ON M4J 2T9

Tel: 416-865-4711
Fax: 416-863-1515
doleary@airdberlis.com

INTERVENORS

Rep. and Address for Service

**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

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**Canadian Manufacturers &
Exporters**

Peter Thompson, Q.C.

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

**Energy Probe Research
Foundation**

Norman Rubin

Senior Consultant
Energy Probe Research Foundation
478 Brunswick Avenue
Toronto ON M5R 2Z5
Tel: 416-964-3761
Fax: Not Provided
normrubin.energyprobe@gmail.com

David MacIntosh

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

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APPLICANT & LIST OF INTERVENORS

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Green Energy Coalition

David Poch

Barrister

Independant Participants - General Public

1649 Old Brooke Road

Maberly ON K0H 2B0

Tel: 613-264-0055

Fax: 613-264-2878

dpoch@eelaw.ca

Kai Millyard

Green Energy Coalition

72 Regal Road

Toronto ON M6H 2K1

Tel: 416-651-7141

Fax: 416-651-4659

kai@web.net

Chris Neme

Energy Futures Group

P.O. Box 587

Hinesburg VT 05461

Tel: 802-482-5001 Ext: 1

Fax: Not Provided

cneme@energyfuturesgroup.com

**Industrial Gas Users
Association**

Ian Mondrow

Macleod Dixon LLP Barristers & Solicitors

Toronto Dominion Centre

500-100 Wellington St. W.

Toronto ON M5K 1H1

Tel: 416-203-4435

Fax: 416-360-8277

ian.mondrow@macleoddixon.com

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**Industrial Gas Users
Association**

Murray Newton

President
Industrial Gas Users Association
99 Metcalfe St. Suite 1201
Ottawa ON K1P 6L7
Tel: 613-236-8021
Fax: 613-230-9531
mnewton@igua.ca

Low Income Energy Network

Judy Simon

Vice President
IndEco Strategic Consulting Inc.
412-77 Mowat Avenue
Toronto ON M6K 3E3
Tel: 416-204-0357
Fax: 416-866-6336
jsimon@indeco.com

Marion Fraser

President
Fraser & Company
502-33 Harbour Square
Toronto ON M5J 2G2
Tel: 416-941-9729
Fax: 416-941-9729
Marion.Fraser@rogers.com

**Ontario Sustainable Energy
Association**

Cherie Brant

Willms & Shier Environmental Lawyers LLP
4 King Street West
Suite 900
Toronto ON M5H 1B6
Tel: 416-862-4829
Fax: 416-863-1938
cbrant@willmsshier.com

**Enbridge Gas Distribution Inc.
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**Ontario Sustainable Energy
Association**

Marion Fraser

President
Fraser & Company
502-33 Harbour Square
Toronto ON M5J 2G2
Tel: 416-941-9729
Fax: 416-941-9729
Marion.Fraser@rogers.com

Judy Simon

Vice President
IndEco Strategic Consulting Inc.
412-77 Mowat Avenue
Toronto ON M6K 3E3
Tel: 416-204-0357
Fax: 416-866-6336
jsimon@indeco.com

Pollution Probe Foundation

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

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

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Pollution Probe Foundation

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

**Toronto and Region
Conservation Authority**

Ian Jarvis

President
ENERLife Consulting Inc.
100 Upper Madison Avenue Suite 706
Toronto ON M2N 6M4
Tel: 416-225-6109
Fax: 416-225-6613
ian.jarvis@enerlife.com

Noel Cheeseman

Principal
Toronto and Region Conservation Authority
22 St. Joseph Street
Toronto ON M4Y 1J9
Tel: 416-915-1530 Ext: 204
Fax: Not Provided
ncheeseman@enerlife.com

**Vulnerable Energy Consumers
Coalition**

Michael Buonaguro

Counsel
Public Interest Advocacy Centre
34 King St. E., Suite 1102
Toronto ON M5C 2X8
Tel: 416-767-1666
Fax: 416-348-0641
mbuonaguro@piac.ca

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**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