



**EB-2010-0231**

## **NOTICE OF APPLICATION**

### **ENBRIDGE GAS DISTRIBUTION INC.**

### **SYSTEM RELIABILITY SETTLEMENT AGREEMENT**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application on July 15, 2010 (the "Application") 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 or orders of the Board approving a system reliability Settlement Agreement (the "Settlement Agreement") and approving changes to rates in order to give effect to the provisions of the Settlement Agreement.

The Application includes the Settlement Agreement, supporting evidence and minutes of meetings of the stakeholder consultations.

The system reliability matter arose in Enbridge's 2009 rates proceeding under Board proceeding EB-2008-0219. In the Board's Phase 2 Decision and Order released on July 14, 2009, Enbridge was directed to file an application with the intention of having a long term resolution of the system reliability matter in place for the 2010/2011 winter season. The Board also stated its expectation that the application would include evidence of a stakeholder consultation. The Settlement Agreement is the outcome of the stakeholder consultation. A broad group of stakeholders participated in the consultation and have signed on to the Settlement Agreement. None of the participating stakeholders opposed the Settlement Agreement.

If approved by the Board, the Settlement Agreement will result in an increase to customers' bills through proposed changes to the gas transportation arrangements of Enbridge and Enbridge's direct purchase customers. These are upstream transportation

arrangements used in transporting natural gas to the Enbridge distribution system. The proposal is to place greater reliance on firm upstream transportation arrangements. Firm transportation is considered more reliable, especially in the winter months. The estimated customer bill impact would result in an annual bill increase of about \$9 or about 1.0% for typical residential customers on Rate 1. For commercial customers on Rate 6 the estimated annual bill increase is about \$60 or about 1.0%. The increases would apply to customers taking their gas directly from Enbridge and customers taking their gas from a gas marketer on a direct purchase arrangement.

The Settlement Agreement also proposes changes to Enbridge's terms and conditions of service to give effect to the proposed gas transportation arrangements. These changes are shown in the Rate Handbook document included with the Application. The changes include changes to Enbridge's terms and conditions of service including revisions to its suspension of service provisions for large volume customers and to its curtailment provisions. The Settlement Agreement also proposes changes to Enbridge's upstream transportation turnback policy. All of these changes are designed to provide Enbridge with additional levels of system reliability in the winter months.

Enbridge suggested that Board approval of the Settlement Agreement by September 1, 2010 would allow for implementation for the upcoming winter season.

Copies of the Application are available for inspection at the Board's office and the Board's website. Copies are also available at Enbridge's office at the addresses listed below and on its website.

### **Deemed Intervenorors**

The Board notes Enbridge's proposition that the intervenors listed in each of the 2009 and 2010 rates proceedings (Board files EB-2008-0219 and EB-2009-0172) be deemed to be intervenors in this proceeding. The Board also notes that three (3) parties were signatory to the Settlement Agreement but were not intervenors of record in either of these rates proceedings. The Board shall adopt all of the aforementioned parties as intervenors in this, the EB-2010-0231 proceeding. These parties shall be the deemed intervenors.

### **Participation**

Any new parties wishing to participate may do so in the following ways:

1. You may send the Board a letter of comment. Your letter must be received by the Board no later than 10 days from the date of this notice.
2. You may request observer status in order to receive documents issued by the Board in the proceeding. Your request must be made by letter received by the Board no later than 10 days from the date of this notice.
3. You may request intervenor status if you wish to actively participate in the proceeding. Your request must be made by letter of intervention received no later than 10 days from the date of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the proceeding; and if you represent a group, a description of the group and its membership. The Board may choose to hold a written or an oral hearing. The Board will not hold a written hearing if a party satisfies the Board that there is good reason for holding an oral hearing. Your letter of intervention should indicate your preference for a written or oral hearing, and the reasons for that preference. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from Enbridge and the grounds for your eligibility for costs.
4. You must provide a copy of your letter of intervention to the Board with copies to Enbridge and Enbridge's counsel, at the following addresses:

**Enbridge Gas Distribution Inc.**

500 Consumers Road  
Toronto, Ontario M2J 1P8

Attn: Norm Ryckman  
Director, Regulatory Affairs

Tel: 416-495-5499 or 1-888-659-0685

Mailing Address:

P.O. Box 650

Scarborough, ON M1K 5E3

Tel: 416-495-5499 or 1-888-659-0685

Fax: 416-495-6072

Email:

[EGDRegulatoryProceedings@enbridge.com](mailto:EGDRegulatoryProceedings@enbridge.com)

**The Applicant's counsel:**

Mr. Fred D. Cass  
Aird & Berlis LLP

Address for personal service  
and mailing address:

Brookfield Place, P.O. Box 754  
Suite 1800, 181 Bay Street  
Toronto, Ontario M5J 2T9

Tel: 416-865-7742

Fax: 416-863-1515

Email: [fcass@airdberlis.com](mailto:fcass@airdberlis.com)

**Need more information?**

Further information on how to participate may be obtained by visiting the Board's Web site at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or by calling our Consumer Relations Centre at 1-877-632-2727.

**How to contact us**

In responding to this notice please reference Board file number EB-2010-0231. **It is also important that you provide your name and postal address and, if available, an e-mail address.** All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

If you already have a user ID, please submit your intervention request through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required.

For your convenience, the Board accepts letters of comment by either post or e-mail. Our e-mail address is [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca) Please include the file reference numbers in the subject line of your e-mail.

Ontario Energy Board

P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4

Attn: Kirsten Walli  
Board Secretary  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**IF YOU DO NOT FILE A LETTER STATING YOUR WISH TO PARTICIPATE IN THIS PROCEEDING, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE OF THE PROCEEDING.**

**Ce document est disponible en français.**

**DATED** at Toronto, July 26, 2010  
**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary