

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

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for an order or orders approving the balance and clearance of the Class Action Suit Deferral Account;

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for an order or orders amending or varying the rates charged to customers for the sale, distribution, transmission, and storage of gas commencing as of January 1, 2008

NOTICE OF INTERVENTION

1. The Electricity Distributors Association (the “EDA”) seeks to intervene in this proceeding with full rights of participation. The EDA intends to participate, if deemed advisable, by, *inter alia*, filing materials as directed by the Board, submitting written evidence and argument, presenting oral testimony if live evidence will be heard, and appearing and examining witnesses at any oral hearings in respect of this proceeding. While the EDA wishes to have full rights of participation in any mode of hearing to be set by the Board, the EDA expresses no preference for either an oral hearing or a written hearing.

2. The EDA is a non-share capital corporation which provides advice on policy matters and advocacy services to the privately and publicly-owned local distribution corporations (“LDCs”) in Ontario.

3. In late 1998, a class action claiming \$500 million in restitutionary payments plus interest was brought against Toronto Hydro as the representative of a proposed defendant class consisting of all electrical utilities in Ontario which had charged late payment penalties on overdue utility bills at any time after April 1, 1981 (the “LDC Action”). The LDC Action raises issues in common with those in the Garland class action law suit which led to the creation of the Enbridge Class Action Suit Deferral Account, the subject of the within proceeding. Toronto

Hydro was granted intervenor status and participated in the Garland proceedings. The EDA has worked with Toronto Hydro in that regard.

4. The LDCs charged late payment penalties as required by rate schedules of Ontario Hydro and rate orders of the Board (collectively, the “Rate Orders”), and now the LDCs are being asked to disgorge huge sums of money collected pursuant to those Rate Orders.

5. The LDC Action is at a preliminary stage. Pleadings have closed but examinations for discovery have not been conducted and the classes have not been certified. After the release by the Supreme Court of Canada of its 2004 decision in the Garland class action law suit, the plaintiffs in the LDC Action indicated their intention to proceed with the litigation, but no formal steps have been taken. The plaintiffs are presently encouraging the LDCs to participate in settlement discussions and a mediation.

6. If the plaintiffs ultimately prevail against the LDCs in the LDC Action or, in the absence of a court judgment, a settlement is reached providing for a payment by the LDCs, the LDCs intend to seek relief from this Board in the form of recovery through rates of all reasonable and prudent costs incurred. Accordingly, the EDA believes this Board would benefit from the input of the LDCs in addressing the proposal by Enbridge Gas Distribution Inc. in this proceeding.

7. The contact information for the EDA is:

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8. The contact information for the EDA’s counsel is:

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DATED at Toronto this 16th day of November, 2007.