

October 21, 2010

**EMAIL AND FILED VIA RESS**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
Suite 2700  
Toronto, ON M4P 1E4

Dear Ms Walli:

**Re: EB-2010-0146: Enbridge Gas Distribution 2011 Rate Application  
Comments on Draft Issues List**

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We represent Enbridge Gas Distribution Inc. ("Enbridge").

Pursuant to Procedural Order No. 1, we write to provide Enbridge's comments on the Draft Issues List.

Enbridge submits that the wording proposed for Issue 12 on the Draft Issues List is more broad than necessary, and should be amended.

In its prefiled evidence, Enbridge explained (at Ex. C-1-2) that there have been certain tax rule changes for Ontario provincial capital taxes that were implemented after rates were established for 2009 and 2010. Enbridge's evidence proposes that it will capture the impact of these tax changes within the 2010 Tax Rate and Rule Change Variance Account ("TRRCVA"), rather than making adjustments to the 2009 TRRCVA, which was cleared as part of EB-2009-0172 (Enbridge's 2009 rate application). Enbridge's evidence proposes how this will be done, as well as the amount that will be debited to the 2010 TRRCVA as a result.

Enbridge submits that the language in the Board's Draft Issues List (Issue 12) goes beyond what is necessary (and what is really at issue) by focusing on the "appropriate treatment of the rule changes with respect to the Ontario provincial capital tax".

Given Enbridge's evidence and proposal, it appears that the real matter in issue is whether the adjustment proposed for Enbridge's 2010 TRRCVA is appropriate. Enbridge therefore proposes that Issue 12 be rephrased (as suggested at Ex A-5-1, p1, #10) to ask:

"Is the adjustment calculated for the 2010 Tax Rate and Rule Change Variance Account ("TRRCVA") appropriate?"

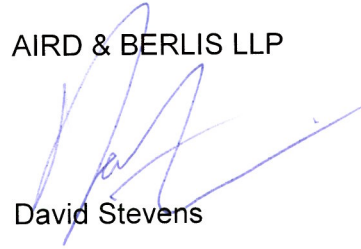
Enbridge has no other comments or concerns in respect of the Board's Draft Issues List.

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Should you have any questions, please do not hesitate to contact me.

Yours very truly,

AIRD & BERLIS LLP



David Stevens

cc. Enbridge Gas Distribution

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