



EB-2006-0034

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an order or orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas commencing January 1, 2007.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Paul Vlahos
Member

Ken Quesnelle
Member

PROCEDURAL ORDER No. 3

Enbridge Gas Distribution Inc. (“EGD”) filed an application dated August 25, 2006 with the Ontario Energy Board (the “Board”) under the Section 36 of the *Ontario Energy Board Act*, requesting a rate increase effective January 1, 2007. On October 4, 2006, the Board issued Procedural Order No.1 which set out, amongst other things, the case timetable. On October 20, 2006 the Board issued Decision and Procedural Order No. 2 which included the Board’s findings regarding the intervention and cost eligibility status of certain parties and Issues List matters.

On October 26, 2006, the Low-Income Energy Network filed (“LIEN”) filed a Revised Notice of Motion, under Rule 8.02 of the Board’s Rules of Practice and Procedure. A predecessor motion had been filed on October 20, 2006.

LIEN’s motion (revised) seeks the following orders from the Board:

- (1) an order extending the dates in Procedural Order No.1 for LIEN to serve and file its interrogatories on the Applicant's filed evidence and for LIEN to file its Intervenor evidence, by 39 days and 60 days respectively from the date of a Board decision on this Motion,
- (2) an order confirming LIEN's eligibility for a full costs award including but not limited to the following issue ("Issue") up to and including October 12, 2006: Should the residential rate schedules for EGO include a rate affordability assistance program for low-income consumers? If so, how should a program be funded? How should eligibility criteria be determined? How should levels of assistance be determined?
- (3) an order confirming that LIEN may raise interrogatories and file its Intervenor evidence relating to the Issue notwithstanding that the Issue is not yet on the Issues List for this proceeding,
- (4) an order granting LIEN eligibility for an award of costs from October 12, 2006 in respect of matters unrelated to the Issue (but without derogating from the eligibility for an award of costs granted to LIEN by Procedural Order No. 2 in relation to the Issue), for the purpose of reviewing the pre-filed evidence, raising interrogatories and supplementary interrogatories, and reviewing the replies thereto,
- (5) an order confirming that an award of costs to LIEN will not be prejudiced because work other than on the question of the jurisdiction of the Board to hear the Issue is undertaken before the Board makes its decision on that matter and before the Issue is included on the Issues List for this proceeding, and
- (6) an order for such consequent extensions of the other dates in Procedural Order No.1 as the Board considers appropriate.

The Board considers it appropriate to hear this matter orally.

THE BOARD ORDERS THAT:

1. LIEN's Motion shall be heard on Friday November 17, 2006 at 9:30am in the Board's Hearing Room, 25th floor, 2300 Yonge Street, Toronto, Ontario.
2. LIEN shall file with the Board Secretary confirmation that it has served parties to the EB-2006-0034 proceeding with the Notice of Motion.

3. Parties who wish to make submissions at the hearing of the Motion shall file a factum outlining the submissions they intend to make, together with any evidence they intend to rely upon, with the Board Secretary, 10 hard copies and one electronic copy in searchable PDF format at boardsec@gov.on.ca by November 13, 2006 at 4:00pm, and copy all parties.

DATED at Toronto, November 6, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary