



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

DECISION AND PROCEDURAL ORDER No. 5

Enbridge Gas Distribution Inc. ("EGDI") 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 November 6, 2006 the Board issued Procedural Order No. 3 regarding the hearing of the Low-Income Energy Network's Revised Notice of Motion filed on October 26, 2006. On November 9, 2006 the Board issued Procedural Order No.4 which updated the proceeding schedule and also indicated the timing of submissions by parties and EGDI reply regarding EGDI's request for confidentiality for certain interrogatory responses.

Jurisdiction

In Procedural Order No. 3 the Board directed that interested parties could make written submissions on the jurisdiction of the Board to consider and implement rate affordability programs. The Board noted that regardless of the ruling on jurisdiction, it was by no means clear that it would be possible or appropriate to accommodate any substantive analysis of the matter within the current proceeding given the schedule and generic nature of the issue. The Board has yet to reach a decision on the matter of the Board's jurisdiction to consider and implement rate affordability programs. Irrespective of the outcome of its pending decision on jurisdiction the Board has decided that this proceeding (EB-2006-0034) is not the most suitable for this issue to be heard. The decision on jurisdiction will follow at a later date.

Rates Effective January 1, 2007.

The current timetable for this proceeding anticipates that the Board will hear the Settlement Proposal on January 12, 2007 and that the oral hearing will commence on January 22, 2007. In light of this schedule, the Board considers it appropriate that EGD's rates, as approved in the EGD January 2007 QRAM decision and order (EB-2006-0288), be declared interim effective January 1, 2007.

THE BOARD ORDERS THAT:

1. The issue of rate affordability as proposed by the Low Income Energy Network at Issues Day will not be addressed in the EB-2006-0034 proceeding.
2. The rates for Enbridge Gas Distribution Inc. approved in EB-2006-0288 shall be interim effective January 1, 2007.
3. The Company shall file by December 22, 2006 the Rate Handbook pertaining to EB-2006-0288, updated to indicate that the rates therein are interim.

DATED at Toronto, December 20, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary