



EB-2010-0232

NOTICE OF APPLICATION AND PROCEDURAL ORDER NO. 1

Enbridge Gas Distribution Inc. (“Enbridge” or the “Applicant”) filed an application dated November 8, 2010 seeking two exemptions from section 2.2.4 of the *Affiliate Relationships Code for Gas Utilities* (the “ARC”). The Board has assigned file number EB-2010-0232 to the application.

Section 2.2.4. of the ARC states that, “A utility shall not share with an affiliate that is an energy service provider any employee who controls the access to utility services, or directs the manner in which utility services are provided to customers, or who has direct contact with a customer of the utility service.”

One of the exemptions sought by Enbridge relates to the sharing of certain operational services with Gazifère Inc., an affiliate of Enbridge. The Applicant has requested that the Board grant a permanent exemption in respect of the sharing of emergency services between the two utilities.

The second exemption relates to the provision of certain communication and control services to Enbridge-affiliated wind farm operations in Ontario, as an extension of an exemption granted by the Board in 2008 for the Kincardine wind farm owned by Enbridge Renewable Energy Infrastructure Canada Inc. The new wind farm operations include the Talbot wind farm in Chatham and the Greenwich wind farm near Thunder Bay, both owned by Enbridge Inc. The Applicant has requested that the Board grant an exemption for Enbridge to provide the communication and control services to both the existing and future affiliated wind farm operations.

The Applicant indicated that it has an immediate need for an exemption from ARC section 2.2.4 to allow operations to commence at the Talbot wind farm which will be commissioned in late 2010 and needs to be compliant with Ontario's Independent Electricity System Operator (“IESO”) requirements. The exemption would enable

Enbridge to provide control services to the Talbot wind farm and thus be compliant with the IESO's requirements.

Procedural Order No. 1

As part of this procedural order and pursuant to the Board's authority under section 21(7) of the *Ontario Energy Board Act, 1998* (the "Act") to make interim orders pending final disposition of a matter, the Board hereby grants to Enbridge an interim exemption from section 2.2.4 of the ARC. The interim exemption shall be specifically applicable to the Talbot wind farm and is valid until March 31, 2011.

The Board will now make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Intervenor and Board staff seeking information and material on Enbridge's evidence shall request it by written interrogatories filed with the Board and delivered to all the parties no later than **January 7, 2011**. Guidance on how to become an intervenor is detailed below in this Notice of Application.
2. Enbridge shall file complete responses to all the interrogatories with the Board and deliver the responses to the other parties no later than **January 14, 2011**.
3. Intervenor and Board staff wishing to make written submissions shall file such submissions with the Board and serve them on all parties by **January 21, 2011**.
4. Enbridge shall file its Reply to any submissions by **January 28, 2011**.
5. All filings to the Board must quote file number EB-2010-0232 and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca. Filings must clearly state the sender's name, postal address and telephone number and, if available, a fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found on the "e-Filing Services" webpage of the Board's website at www.oeb.gov.on.ca. If the web portal is not available you may email

your document to BoardSec@oeb.gov.on.ca. With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Colin Schuch at colin.schuch@oeb.gov.on.ca and Legal Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.gov.on.ca

How to see Enbridge's Application

Copies of the application are available for inspection at the Board's office in Toronto and on its website, www.oeb.gov.on.ca/OEB/Industry, and at Enbridge's office and may be on its website.

Written Hearing

The Board intends to proceed with this matter by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to the applicant within **10 days** of the publication or service date of this notice.

How to Participate

You may participate in this proceeding in one of three ways:

1. Become an Intervenor

Intervenors participate actively in the proceeding (i.e., submit written questions, evidence, and arguments, and cross-examine witnesses at an oral hearing).

A request for intervenor status must be made by letter of intervention and be received by the Board no later than **10 days** from the publication or service date of this notice. A letter of intervention must include: (a) a description of how you are, or may be, affected by the outcome of this proceeding; (b) if you represent a group, a description of the group and its membership; and (c) whether you intend to seek an award of costs and the grounds for your cost award eligibility.

You must provide a copy of your letter of intervention to the applicant.

Everything an intervenor files with the Board, including the intervenor's name and contact information, will be placed on the public record, which means that all filings will be available for viewing at the Board's offices and will be placed on the Board's website.

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. Additionally, two paper copies must be submitted to the address set out below.

If you do not have a user ID, visit the Board's website under e-Filing Services and complete a user ID/password request form. For instructions on how to submit documents and naming conventions please refer to the RESS Document Guidelines found at www.oeb.gov.on.ca/OEB/Industry, e-Filing Services.

The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required. Those who do not have internet access are required to submit their intervention request on a CD in PDF format, along with two paper copies.

2. Send a Letter with your Comments to the Board

If you wish to comment on the proceeding without becoming an intervenor, you may submit a letter of comment to the Board Secretary.

All letters of comment sent to the Board will be placed on the public record, which means that the letters will be available for viewing at the Board's offices and will be placed on the Board's website.

Before placing the letter of comment on the public record, the Board will remove any personal (i.e., not business) contact information from the letter of comment (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the letter of comment will become part of the public record.

A complete copy of your letter of comment, including your name, contact information, and the content of the letter, will be provided to the applicant and the Hearing Panel.

Your letter of comment must be received by the Board no later than **30 days** from the publication or service date of this notice. The Board accepts letters of comment by either post or e-mail at the addresses below.

3. Become an Observer

Observers do not participate actively in the proceeding but receive documents issued by the Board in the proceeding. There is no fee for observers to receive documents issued by the Board.

A request for observer status must be made in writing and be received by the Board no later than **10 days** from the publication or service date of this notice. The Board accepts observer request letters by either post or e-mail at the addresses below.

All letters requesting observer status will become part of the public record, which means that the letters will be available for viewing at the Board's offices and will be placed on the Board's website.

Before placing the request for observer status on the public record, the Board will remove any personal (i.e., not business) contact information from the request (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the request for observer status will become part of the public record.

Observers may also request documents filed by the applicant and other parties to the proceeding but must request these documents directly from the relevant party. Observers may be required to pay for the costs of reproducing and delivering the material.

Most documents filed in this application will also be available on the Board's website.

How to Contact Us

In responding to this Notice, please reference Board file number EB-2010-0232 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's www.oeb.gov.on.ca/OEB/Industry or by calling our Consumer Relations Centre at 1-877-632-2727.

IMPORTANT

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board:

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings: <https://www.errr.oeb.gov.on.ca/>

E-mail: boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

The Applicant:

Mr. Norm Ryckman
Director, Regulatory Affairs
Enbridge Gas Distribution Inc.
500 Consumers Road
North York ON M2J 1P8

E-mail: EGDRegulatoryProceedings@enbridge.com
Tel: 416-495-5499
Fax: 416-495-6072

Counsel for the Applicant:

Tania Persad, Senior Legal Counsel, Enbridge

DATED at Toronto, December 17, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary