

# AIRD & BERLIS LLP

Barristers and Solicitors

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BY EMAIL

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27th Floor, Box 2329  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. 2013 Rate Case**

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We represent Enbridge Gas Distribution Inc. ("Enbridge" or the "Company"). We write in response to late intervention requests recently filed by EnerCare Inc. ("EnerCare"), Summitt Energy Management Inc. ("Summitt") and Pollution Probe

By letter dated August 29, 2012, EnerCare requested late intervenor status in this proceeding in relation to the open bill issue (which is Issue D11: "Is the proposal for the Open Bill Access Program appropriate?"). EnerCare's letter indicates that it plans to participate within the parameters of the process for the open bill issue that had been proposed in our letter dated August 16, 2012, and which is now set out in Procedural Order No. 4. EnerCare's letter also indicates that it would confine its intervention to the open bill issue, and would not be involved in other issues in the proceeding.

By letter dated August 30, 2012, Summitt requested late intervenor status in this proceeding in relation to the open bill issue (Issue D11). Summitt's letter indicates that it will not ask interrogatories or file evidence.

Enbridge does not object to these two late intervention requests in relation to the open bill issue. In this regard, Enbridge presumes that EnerCare and Summitt will be subject to the same procedure as other parties in relation to the open bill issue (as set out in Procedural Order No. 4).

By letter dated August 29, 2012, Pollution Probe requested late intervenor status in this proceeding in relation to the open bill issue (Issue D11) and the Demand Side Management ("DSM") budget issue (Issue D9). Pollution Probe indicates that it does not intend to ask interrogatories or take steps that have already passed in the proceeding.

Enbridge does not object to Pollution Probe's late intervention request (and request for cost eligibility) in relation to the open bill issue. In this regard, Enbridge presumes that Pollution Probe will be subject to the same procedure as other parties in relation to the open bill issue (as set out in Procedural Order No. 4).

Enbridge does object to Pollution Probe's intervention request in relation to the DSM budget issue (Issue D9).

Pollution Probe is already an active participant in an ongoing consultative process where the parties are endeavouring to settle Enbridge's 2013 DSM budget (and the 2014 DSM budget), including the various programs to be undertaken within that budget. If no settlement is reached, there will be a separate proceeding related to any outstanding DSM issues, including the 2013 DSM budget. The Company has not made any separate proposal in the 2013 rate proceeding related to that DSM budget – instead the Company has indicated that it expects that the budget amount determined through the DSM consultative will be the amount used for 2013 ratemaking purposes (or the amount determined in any proceeding related to that issue). It appears that other parties see this as a non-issue in Enbridge's 2013 rate case, as seen by the fact that there was only one interrogatory asked in relation to Issue D9.

In any event, there have been no new developments or evidence in relation to Issue D9 that would provide a basis for a late intervention. The Company's filing in relation to DSM items is unchanged since it was submitted in January 2012. In these circumstances, Enbridge submits that it would not be appropriate to award late intervenor status to Pollution Probe in relation to the DSM budget issue.

Please contact me should you have any questions.

Yours truly,

AIRD & BERLIS LLP



David Stevens

DS/hm

cc. all intervenors in EB-2011-0354  
EnerCare  
Pollution Probe  
Summitt