

April 26, 2013

VIA RESS AND COURIER

Ms. Kirsten Walli
ONTARIO ENERGY BOARD
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File No. T995818

Dear Ms. Walli:

Re: EB-2012-0394: Enbridge Gas Distribution Inc. (EGD) 2012-2014 Demand Side Management (DSM) Plan Update.

Industrial Gas Users Association (IGUA) Request for Late Intervention.

We write as legal counsel to IGUA to seek late intervention in the captioned proceeding.

The Notice of Application for this proceeding was issued by the Board on March 13, 2013. By letter from the Board of same date EGD was directed to publish and serve the Notice. Included in the directions to EGD regarding publication and service was direction to serve the Notice on parties to the Board's DSM Guidelines proceeding (EB-2008-0346) and parties to EGD's 2013 rates proceeding (EB-2011-0354). IGUA was a party in both of those proceedings. IGUA was also a party to the proceeding through which EGD's initial 2012-2014 DSM Plan was approved (EB-2011-0295). As such, IGUA should have received the Notice in respect of the instant proceeding.

Reason for Late Intervention

We might well have received a copy of the Notice of Application in this proceeding by e-mail to the writer, as the writer is included on the list of parties attached to the Board's March 13th letter of direction regarding service of the Notice. However, for reasons not clear to us, this Notice did not come to the attention of the writer.

The current status of this proceeding, including the debate that has arisen regarding issues raised by Environmental Defence (ED) and concerns now formally expressed by Green Energy Coalition (GEC) in GEC's Notice of Motion dated yesterday, were brought to the writer's attention in discussions with other interested parties this morning.

(We had previously received the e-mail referred to in GEC's notice of motion, and exchanged e-mails further thereto.)

We have thus promptly submitted this letter, on behalf of IGUA, seeking late intervention.

As a late intervenor, IGUA will accept the record to date and the procedural status of the application as it stands. In light of this acceptance, it is submitted that neither the parties to, nor the progress of, this matter would be prejudiced by the granting of IGUA's request for late intervention.

Description of IGUA

IGUA is an association of industrial companies located in the Canadian provinces of Manitoba, Ontario and Québec, who use natural gas in their industrial operations. IGUA was first organized in 1973 and it provides a coordinated and effective public policy and regulatory voice for those industrial firms depending on natural gas as a fuel or feedstock. IGUA has become the recognized voice representing the industrial user of natural gas before regulatory boards and governments at both the provincial and national levels.

IGUA's Interest in the Proceeding

IGUA is centrally interested in, and its members are potentially directly affected by, the Board's determinations in response to the issues raised by ED and the concerns expressed by GEC.

IGUA was an active participant in the DSM Guidelines proceeding noted above, in which IGUA advocated for limits for utility ratepayer funded DSM spending on large industrial customer DSM. The DSM Guidelines ultimately issued by the Board acknowledged IGUA's positions on this topic and the guidelines reflect the Board's views thereon.

IGUA was also an active participant in EGD's initial 2012-2014 DSM Plan processes. IGUA actively participated in the discussions convened by EGD in advance of filing its initial 2012-2014 DSM Plan, and endorsed the settlement resulting from those discussions. IGUA's involvement in that process was particularly focussed on the DSM budget, and budget limits, for large industrial EGD customers, further to the Board's policy on this topic as articulated through the DSM Guidelines.

IGUA also actively participated in the discussions that preceded the filing by EGD of the instant application, and IGUA is a signatory to the settlement agreement which EGD has filed in support of this application.

Nature and Scope of IGUA's Intended Participation

On behalf of IGUA the writer will attend the Issues/Process day convened by the Board for Monday April 29, 2013. IGUA will speak to the requests by ED to add issues to the proceeding and in respect of process, and to GEC's prayer for relief as set out in its Notice of Motion dated April 25, 2013. Should subsequent process be adopted to address issues raised by ED and or GEC's motion, IGUA expect to be an active participant therein.

IGUA; i) supports the Settlement Agreement as filed by EGD in support of the instant application; and ii) is of the view that conservation related to integrated system planning and DSM pursuant to the Board mandated DSM Guidelines are distinct activities, and approval of the latter should not limit proposals for the former.

Intention to Seek an Award of Costs

IGUA also hereby requests that it be determined eligible for recovery of its reasonably incurred costs of its intervention herein.

As a party primarily representing the direct interests of industrial consumers (i.e. ratepayers) in relation to regulated services, IGUA has in the past been determined to be eligible for cost awards pursuant to section 3.03(a) of the Board's *Practice Direction on Cost Awards*.

Request for Written Evidence and Contact Information

We have reviewed the electronic record of this proceeding and all materials posted thereto. We request that, prospectively, copies of written evidence and all circulated correspondence related to this matter be directed to IGUA as follows:

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Conclusion

We would appreciate it if this request for late intervention could be brought to the attention of the Hearing Panel prior to Monday's scheduled hearing day.

Yours truly,



Ian A. Mondrow

c: Dr. Shahrzad Rahbar, IGUA
Norm Ryckman, EGD
Dennis O'Leary, Aird & Berlis LLP
Michael Bell, OEB Staff
Michael Millar, OEB Staff Legal Counsel
Intervenors of Record

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