



EB-2012-0394

IN THE MATTER OF the *Ontario Energy Board Act*
1998, S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF an application by Enbridge
Gas Distribution Inc. seeking approval for an update to
its 2012-2014 Demand Side Management plan

PROCEDURAL ORDER No. 3
May 3, 2013

Enbridge Gas Distribution Inc. ("Enbridge") filed an application with the Ontario Energy Board (the "Board") on March 4, 2013, seeking approval for an update to its 2012-2014 Demand Side Management ("DSM") plan.

The Board has assigned file number EB-2012-0394 to this application.

The application has been filed pursuant to the Board's DSM Guidelines that were issued on June 30, 2011. This application presents the financial package for 2013 and 2014 and any related program changes in the form of an Update to the 2012-2014 DSM Plan as filed in EB-2011-0295.

Prior to filing the application, Enbridge reached a complete settlement on all issues (the "Settlement Agreement") with most of the parties that are participating in this proceeding. This Settlement Agreement was filed with the application. Environmental Defence ("ED") was not a party to the settlement discussions or to the Settlement Agreement. It filed a request for intervenor status, which was granted by the Board. ED is opposed to certain elements of the Settlement Agreement, in particular, they are challenging the 2014 DSM budget.

In Procedural Order No. 1, the Board sought submissions from parties on the possibility of severing the 2013 and 2014 portions of the Settlement Agreement. Parties who did file submissions were not in favour of severing the two years of the agreement, and argued that the Settlement was a package based on comprises by all parties.

As a result, the Board issued Procedural Order No. 2, in which the Board ordered Environmental Defence to file its proposed issues list and suggested procedural steps. The Board also provided an opportunity for any parties opposing the proposed issues list or procedural steps proposed by Environmental Defence to file objections.

The Board held an Issues/Process Day on April 29, 2013. At the Issues/Process Day, the Board granted late intervenor status to the Industrial Gas Users Association. An updated list of intervenors in this proceeding is attached as Appendix A.

The issues that can be addressed by ED in challenging the Settlement Agreement were largely agreed to. The Issues List is below:

1. Is the 2014 DSM Budget (\$32.2M) reasonable and appropriate? Should the Board determine that the DSM budget for 2014 should be increased, what are the implications and required next steps.
2. Should the 2014 DSM Budget be conclusively determined prior to the Board's decision regarding Enbridge's \$604 million application to construct new pipelines in the GTA in EB-2012-0451?

The Board will allow parties to file interrogatories that are relevant to the issues on the Issues List above. Although the Board expects that the bulk of the interrogatories will come from ED, this does not preclude interrogatories from other parties. The Board will not make provision for the filing of additional pre-filed evidence.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Any person that has been granted intervenor status in this proceeding and Board staff who wish to request any information and material from Enbridge that is in addition to Enbridge's pre-filed evidence, shall request it by written interrogatories filed with the Board and served on Enbridge, on or before **May 10, 2013**.
2. Enbridge shall file with the Board complete responses to the interrogatories and serve them on all other parties on or before **May 17, 2013**.
3. Enbridge shall file its Argument-in-Chief with the Board and serve it on all other parties on or before **May 24, 2013**.
4. Any person that is a party to the settlement agreement, the Association of Power Producers of Ontario, TransCanada Energy Limited and Board staff who wish to file a submission shall file it with the Board and serve it on all other parties on or before **May 29, 2013**.
5. Environmental Defence shall file a submission with the Board and serve it on all other parties on or before **June 4, 2013**.
6. Enbridge shall file a reply submission with the Board and serve it on all other parties on or before **June 10, 2013**.

All filings to the Board must quote the file number, EB-2012-0394, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available you may e-mail your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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.

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

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

DATED at Toronto, May 3, 2013

ONTARIO ENERGY BOARD

Original Issued By

Kirsten Walli
Board Secretary

**APPENDIX A
TO PROCEDURAL ORDER NO. 3
ENBRIDGE GAS DISTRIBUTION INC.
EB-2012-0394
DATED: May 3, 2013**

Updated Applicant & List of Intervenors

**Enbridge Gas Distribution Inc.
Update to 2012-2014 Demand Side Management Plan
EB-2012-0394**

APPLICANT & LIST OF INTERVENORS

May 3, 2013

APPLICANT

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APPLICANT & LIST OF INTERVENORS

May 3, 2013

INTERVENORS

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(APPrO)**

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APPLICANT & LIST OF INTERVENORS

May 3, 2013

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APPLICANT & LIST OF INTERVENORS

May 3, 2013

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Exporters**

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APPLICANT & LIST OF INTERVENORS

May 3, 2013

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**Vulnerable Energy
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