

9 August 2013

Ontario Energy Board  
2300 Yonge St., 27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4

Attn: Ms Kirsten Walli  
Board Secretary

By electronic filing and e-mail

Dear Ms Walli:

**Re:** EB-2013-0075 - EGDI - Demand Side Management - Clearance of Variance Accounts – GEC Submission

GEC supports the clearance of the 2011 DSM variance accounts with the following caveat:

Enbridge has relied on a Marbek study of average large commercial boiler efficiencies to set a baseline against which its program results can be measured. The study was precipitated in part by the fact that GEC (in a previous Union Audit Committee process) had raised concerns about a study done for Union by SEeline that had addressed this issue. Due to Enbridge's claim of confidentiality the new study by Marbek was not distributed or readily available to DSM consultative members more generally, and we understand that the history of the issue was not highlighted and brought to the attention of the TEC. The TEC does not (and cannot be expected to) review all items underlying the utility measure performance assumptions and has explicitly indicated that it should not be assumed that it accepts items that it has not specifically addressed. In the course of the current Union Audit process, GEC's advisor on the Union audit committee, who was familiar with the history of this matter, was belatedly able to receive a copy of the confidential Enbridge/Marbek study (as Union was proposing to rely upon it) and has advised us that he has concerns with the study.

GEC recognizes that the Board's DSM process calls for the TEC to determine such matters. Accordingly, GEC accepts for the purposes of the 2011 clearance the values based on the Marbek study and thus the 2011 audit results. We do wish to alert the Board, Enbridge and Union Gas that we anticipate asking the TEC to review the Marbek analysis and our acceptance of the 2011 results is without prejudice to our right to challenge the issue going forward.

This episode highlights a long-standing concern about excessive claims of confidentiality. The Marbek study does not disclose customer-specific data. Enbridge appears to be claiming confidentiality merely because it paid for the study. The concern with the study has come to

light too late for the TEC to deal with it in a timely manner and only because of the happenstance that the GEC expert who is familiar with the issue learned of the study and eventually sought and saw the confidential version due to his involvement with the Union Audit Committee. In other jurisdictions evaluation reports are routinely filed and available publicly along with annual DSM reports. We ask the Board to remind Enbridge that confidentiality claims should be limited to situations where confidential customer information is disclosed or where harm to the customers as a whole or to the company can be demonstrated. The simple fact that the information was acquired by the utility at a cost should not normally be adequate to support an assertion of confidentiality. We would also request that the Board direct that all evaluation reports be filed publicly and circulated to the consultative with suitable redactions or data aggregations to protect customer privacy. This would allow any concerns to be brought to the attention of the TEC and dealt with on a timely basis, reducing the risk of misdirected program efforts and inappropriate shareholder incentive payments.

Sincerely,

A handwritten signature in black ink, appearing to read "David Poch", with a stylized flourish at the end.

David Poch

Cc: all parties, Union Gas