



EB-2012-0459

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

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an order or orders approving or fixing rates for the sale, distribution, transmission and storage of gas commencing January 1, 2014.

PROCEDURAL ORDER NO. 1

August 27, 2013

Enbridge Gas Distribution Inc. ("Enbridge") filed an application dated July 3, 2013 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, S.O. 1998, c.15, Schedule B* for an order or orders approving rates for a five year period commencing January 1, 2014. The Board has assigned file number EB-2012-0459 to the application and has issued a Notice of Application dated July 22, 2013.

Intervenor Status and Cost Eligibility

The Board received a number of requests for intervenor and cost eligibility status. The following parties filed intervention requests with no cost eligibility request:

1. Enersource Hydro Mississauga Inc.
2. Just Energy Ontario L.P.
3. Ontario Power Generation Inc.
4. PowerStream Inc.

5. Toronto Hydro-Electric System Limited
6. TransAlta Cogeneration LP
7. TransCanada Energy Ltd.
8. TransCanada PipeLines Limited
9. Union Gas Limited
10. Veredian Connections Inc.

The Board grants intervenor status to the above parties.

The Board received requests for both intervention and cost eligibility from the following parties:

1. Association of Power Producers of Ontario
2. Building Owners and Managers Association Toronto
3. Canadian Manufacturers & Exporters
4. Consumers Council of Canada
5. Energy Probe Research Foundation
6. Federation of Rental-housing Providers of Ontario
7. Industrial Gas Users Association
8. Ontario Association of Physical Plant Administrators
9. School Energy Coalition
10. Vulnerable Energy Consumer's Coalition

The Board grants intervenor status and cost eligibility to the above parties. A complete list of the parties is attached as Appendix B.

Conditions of Intervention

The Board expects all parties to participate in an efficient and responsible manner. For parties eligible to claim an award of costs, the Board expects these parties to plan for, and carefully manage, their costs and time commitments. In this respect, the Board requires cost-eligible parties to inform the Board as to their intentions to file expert testimony ("expert plan"). The expert plan should address the following questions:

- What are the issues for which the party intends to file expert testimony?

- Will the party be participating jointly with other parties in the commissioning of any expert evidence?
- What is the estimate of costs for the expert (including an explanation of the assumptions regarding participation in various parts of the proceeding, including a joint expert conference)?

The Need for a Preliminary Issue

The Board is in receipt of a letter dated July 20, 2013 from the School Energy Coalition (“SEC”). SEC proposes that the Board should hold a preliminary process to decide if it should proceed to hear the application as filed by Enbridge. SEC’s submission is that, *inter alia*, the ratemaking methodology proposed by the applicant is inconsistent with Board policy. Three parties filed letters in support of SEC’s proposal and Enbridge filed a letter responding to SEC on July 25, 2013 saying that the Board should reject SEC’s proposal and proceed to hear the application in full with no preliminary process.

The Board will now make provision for the submissions of all parties on whether there is a need for the hearing of a preliminary issue, and if so, to properly scope that issue. On the basis of these submissions, the Board will decide whether there is a preliminary issue to be heard and if so, the scope of the issue and the extent of the evidence and hearing process necessary.

The Board therefore invites parties to make written submissions that address the following questions:

- Is there a need to determine a preliminary issue and if so, what is the issue and what is the rationale for determining the issue prior to hearing the full application?
- What evidence is required to hear the preliminary issue which is in addition to the evidence already filed (for example, interrogatories, oral testimony, etc.)? Why is this additional evidence necessary?

In determining whether to hear a preliminary issue the Board will consider, among other things, whether hearing the preliminary issue will improve the overall hearing efficiency. In other words, the issue would need to be sufficiently narrow and the process would

need to be sufficiently focused that the Board could be confident that the approach would be more efficient than proceeding immediately with the entire application.

All parties will be invited to make submissions at the same time, and all parties will have the opportunity to file responding submissions, again at the same time.

The Board will now make provision for the following procedural matters. A case timetable is attached as Appendix A. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Parties eligible for an award of costs shall file an expert plan by **September 9, 2013**.
2. Board staff and parties wishing to make a written submission on the need for a preliminary issue shall file such submissions by **September 4, 2013** and serve it on all other parties.
3. Board staff and parties which filed submissions may also file responding submissions on the need for a preliminary issue and shall file such written submissions by **September 11, 2013** and serve it on all other parties.

All filings to the Board must quote file number **EB-2012-0459**, be made through the Board's web portal at 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, telephone number, fax number and e-mail address.

All filings shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available, parties may email their documents to the address below.

Persons 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.

For all electronic correspondence and materials related to this proceeding, parties must include in their distribution lists the Case Manager, Colin Schuch at colin.schuch@ontarioenergyboard.ca and Senior Legal Counsel, Kristi Sebalj at kristi.sebalj@ontarioenergyboard.ca

All communications should be directed to the attention of the Board Secretary and be received no later than 4:00 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
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Attention: Board Secretary

Filings: <https://www.pes.ontarioenergyboard.ca/eservice/>

E-mail: boardsec@ontarioenergyboard.ca
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DATED at Toronto August 27, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"

Enbridge Gas Distribution Inc.

EB-2012-0459

Case Timetable

Date: August 27, 2013

	Event	Date
1.	Submissions on need for a preliminary issue	September 4
2.	File expert plan	September 9
3.	Responding submissions on need for a preliminary issue	September 11

APPENDIX "B"

List of Parties

EB-2012-0459

**Enbridge Gas Distribution Inc.
EB-2012-0459**

APPLICANT & LIST OF INTERVENORS

August-27-13

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APPLICANT & LIST OF INTERVENORS

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Enbridge Gas Distribution Inc.
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