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BY EMAIL AND FILED VIA RESS

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, ON M4P 1E4

Dear Ms Walli:

**Re: EB-2012-0459: Enbridge Gas Distribution
2014 to 2018 Customized IR Application
Responding Submissions in response to Procedural Order No. 1**

We represent Enbridge Gas Distribution Inc. (Enbridge, or the Company).

As the Ontario Energy Board (the Board) is aware, School Energy Coalition (SEC) filed a letter on July 20th arguing that the Board should consider a preliminary issue in this case about whether Enbridge's full application should be heard. Enbridge filed a letter in response, disputing SEC's submissions, and then there was a further exchange of correspondence.

The Board's Procedural Order No. 1 invited all parties to make submissions about whether there should be a preliminary issue heard in this case. The Procedural Order invited parties to make written submissions by September 4th to address two specific questions about the scope of a potential preliminary issue and the process that would be followed. The Procedural Order also invited only those parties who had filed submissions to file responding submissions by September 11th. This process appropriately ensures that no party may wait to see what others say in response to the Board's questions, and then provide its own answers at a time when no further reply opportunity is available.

The Board indicated in the Procedural Order that "on the basis of these submissions" it would make a decision about whether there is a preliminary issue to be heard, and about the appropriate scope of the issue and process to be followed.

Enbridge filed its submissions on September 4th, answering the Board's two questions and explaining why there it is not necessary or appropriate to determine any preliminary issue about whether the application should proceed to a full hearing.

No party filed written submissions in response to Procedural Order No. 1 arguing for the Board to hear a preliminary issue. Indeed, only three intervenors (out of more than 20 registered intervenors) filed any response to Procedural Order No. 1. Board Staff also filed submissions.

BOMA was the only intervenor to file written submissions answering the two questions set out in Procedural Order No. 1. Board Staff also filed responses to the Board's questions. Both Board Staff and BOMA took the position that the Board should not hear any preliminary issue. Two other parties (CME and Energy Probe) filed submissions, but took no position on whether the Board should hear any preliminary issue, and did not answer the Board's questions.

Enbridge submits that at this point it would be unfair for parties who did not respond to the Board's questions to state a position on those questions, because others would have no opportunity to respond to any such submission within the time limit established by the Board. The fact is, then, that all responses to the Board's questions are in support of the same outcome (no preliminary issue), or are neutral, and there is no need for responding submissions from any party.

It is the case, though, that SEC's letter to the Board dated September 9, 2013 regarding an "expert plan" repeatedly refers to Enbridge's proposed Customized IR plan as a "multi-year cost of service approach". In its letter filed with the Board on July 25, 2013, Enbridge pointed out that this "label" applied to its proposal by SEC is a mischaracterization. Apparently Enbridge's submissions on this point have not deterred SEC's efforts to create an issue of terminology rather than of substance. Leaving aside the fact that the label used by SEC is a mischaracterization, Enbridge submits that SEC's labelling does not advance the Board's consideration of the application because it seeks to put the focus on terminology rather than a principled or substantive issue for the Board to consider with regard to the methodology or features of the Customized IR plan.

For the reasons set out in its earlier submissions, and in this letter, Enbridge submits that it is not necessary or appropriate for the Board to determine any preliminary issue about whether this Application should proceed to a full hearing.

Should you have any questions, please let me know.

Yours very truly,

AIRD & BERLIS LLP



David Stevens

cc. Enbridge Gas Distribution
All parties registered in EB-2012-0459