



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. 5

February 11, 2014

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* 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. A record of all procedural matters in this proceeding is available on the Board's web site.

Hearing Plan

The oral hearing is scheduled for ten (10) hearing days commencing February 20, 2014 and ending March 7, 2014.

To ensure that the best use is made of the time available, Enbridge shall consult with the parties and Board staff and file a Hearing Plan by February 14, 2014. A conference room will be made available on February 14, 2014 for the purposes of a pre-hearing conference in order to establish the Hearing Plan. The Hearing Plan will identify the evidence that the parties and Board staff propose to examine orally, including the estimated time required by each party for each witness panel. The Board will assume that any issues not identified will not be examined further during the oral hearing but

may be included in each party's final argument. In that the Board does not expect the oral hearing to last more than the ten (10) days allotted, parties are encouraged to weigh the materiality and priority of the issues they wish to examine. The Hearing Plan will also identify and establish the sequence of all the witness panels. For each of Enbridge's employee witnesses, the Hearing Plan must identify that employee's position and title.

The Board will commence each day at 9:30am and conclude at 4:30pm with a one hour break for lunch. There will be a 20 minute break in the morning and afternoon.

The Board at this time anticipates that the final arguments will be in written format, the timing of which will be confirmed at a later date.

Concurrent Expert Witness Panel

In accordance with Rule 13A of the Board's Rules of Practice and Procedure, the Board will require that Jim Coyne (Concentric Energy Advisors, Inc.), Julia Frayer (London Economics International) and Larry Kaufmann (Pacific Economics Group Research, LLC) testify concurrently as part of a single expert witness panel. The concurrent expert witness panel will appear as Panel No. 2 immediately following Panel No. 1 dealing with the Customized IR Plan and consisting of Enbridge employee witnesses only.

Expert Qualifications

Should there be any objection regarding the qualifications of any of the witnesses being put forward to provide expert evidence in this proceeding, the Board requires that these be raised immediately and well in advance of the commencement of the hearing.

Request for Confidential Treatment of Certain Materials

In a letter dated December 11, 2013 Board staff requested that the Board grant confidential treatment to certain materials filed in response to Enbridge interrogatory 12a (Exhibit I.A1.STAFF.EGDI.12 part a). The request was filed in accordance with the Board's Practice Direction on Confidential Filings.

Board staff's request for confidentiality related to eight (8) computer files listed below:

1. pegtfwp.txt
2. kdata(confidential).xlsx
3. company map.xlsx
4. tfpdata(confidential).xls
5. bmcswp(confidential).xls
6. econometricwp.txt
7. CCA Report Tables.xlsx
8. jgca902m.xlsx

The eight (8) files are the working papers of Pacific Economics Group Research from Alberta Utilities Commission proceeding 566. They include the datasets for the gas TFP and econometric research, the code used to generate the results for the TFP and econometric research, and supporting materials. The supporting materials include a live version of the tables from PEG Research's direct testimony in Alberta, files containing additional data used in the TFP research, and a company map.

The Board in its Procedural Order No. 4 dated January 2, 2014 granted the Board staff request for confidentiality on an interim basis and offered parties the opportunity to make submissions on whether the Board should grant the confidentiality request. No party made a submission. The Board accepts the materials filed by Board staff as confidential and will afford them the appropriate treatment. The Board reminds parties to be aware of, and observe, its processes for the treatment of confidential information. These are outlined in the Ontario Energy Board's *Practice Direction on Confidential Filings* revised October 13, 2011, and available on the Board's website. In particular section 6 describes the protocol for parties' dealings with confidential materials in Board proceedings.

Case Timetable

In view of the requirement for a Hearing Plan, the revised 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. Enbridge shall file the proposed Hearing Plan with the Board by the end of day **February 14, 2014**.
2. A conference room will be provided on **February 14, 2014** for purposes of a non-transcribed pre-hearing conference amongst the parties and Board staff to prepare the Hearing Plan. The room is located at the Board's offices on the 25th floor at 2300 Yonge Street, Toronto.
3. The oral hearing will commence at 9:30 am on **February 20, 2014** in the Board's hearing room on the 25th floor at 2300 Yonge Street, Toronto. The oral hearing may continue on **February 21, 24, 25, 27 and 28, and on March 3, 4, 6 and 7**.

All filings to the Board must quote file number **EB-2012-0459**, be made electronically through the Board's web portal at www.pes.ontarioenergyboard.ca/eservice/ in searchable / unrestricted PDF format. Two paper copies must also be filed at the Board's address provided below. 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 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
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 February 11, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX “A”**Enbridge Gas Distribution Inc.****EB-2012-0459****Preliminary Case Timetable****Date: February 11, 2014**

	Event	Date
1.	Notice	July 23
2.	Procedural Order No. 1	August 27
3.	Submissions on need for a Preliminary Issue	September 4
4.	Submissions on Experts Plan	September 9
5.	Responding submissions on need for a Preliminary Issue	September 11
6.	Decision on need for a Preliminary Issue & Procedural Order No. 2	October 2
7.	Letter – from Board staff re: PEG deliverables	October 4
8.	Parties notify Enbridge of topics of interest for Information Session	October 8
9.	information session (hosted by Enbridge)	October 11
10.	File PEG written assessment report	October 22
11.	Issues Conference	October 25
12.	Submissions on Contested Issues	October 29
13.	Reply Submissions on Contested Issues	October 31
14.	Procedural Order No. 3 (Final Issues List)	November 6
15.	Interrogatories filed (Enbridge & PEG)	November 13

16.	Interrogatory responses (Enbridge & PEG)	December 11
17.	Intervenor evidence	December 18
18.	Interrogatories on Intervenor evidence	December 23
19.	Interrogatory responses on Intervenor evidence	January 10
20.	Parties file areas of focus and time estimates for the Technical Conference	January 13
21.	Technical Conference	January 16,17, 20, 21
22.	Undertakings from Tech Conf filed	January 23
23.	Settlement Conference	January 27 – February 7
24.	Pre-hearing Conference (Hearing Plan)	February 14
25.	File Hearing Plan	February 14
26.	File Settlement Proposal	February 14
27.	Oral Hearing (10 hearing days)	February 20, 21, 24, 25, 27, 28 March 3, 4, 6, 7