



EB-2006-0034

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O.
1998, c.15

AND IN THE MATTER OF an Application by Enbridge Gas
Distribution Inc. for an order or orders approving or fixing just and
reasonable rates and other charges for the sale, distribution,
transmission and storage of gas commencing January 1, 2007.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Paul Vlahos
Member

Ken Quesnelle
Member

PROCEDURAL ORDER No. 8

Enbridge Gas Distribution Inc. ("EGDI") filed an application dated August 25, 2006 with the Ontario Energy Board (the "Board") under the Section 36 of the *Ontario Energy Board Act*, requesting a rate increase effective January 1, 2007. On October 4, 2006, the Board issued Procedural Order No.1 which set out, amongst other things, the case timetable. On October 20, 2006 the Board issued Decision and Procedural Order No. 2 which included the Board's findings regarding the intervention and cost eligibility status of certain parties and Issues List matters. On November 6, 2006 the Board issued Procedural Order No. 3 regarding the hearing of the Low-Income Energy Network's Revised Notice of Motion filed on October 26, 2006. On November 29, 2006 the Board issued Procedural Order No. 4 which updated the proceeding schedule and also indicated the timing of submissions by

parties and EGD I reply regarding EGD I's request for confidentiality for certain interrogatory responses. On December 20, 2006 the Board issued Procedural Order No. 5 which it indicated that the rate affordability issue would not be heard in the EB-2006-0034 proceeding and which declared the rates, as approved in EB-2006-0288, interim effective January 1, 2007. On December 28, 2006 the Board issued Procedural Order No. 6 to convene a Technical Conference on January 10, 2007 for EGD I to respond the parties' questions related to the Open Bill Access issue. In Decision and Procedural Order No.7, dated January 12, 2007, the Board determined whether certain filed documents warranted confidential treatment.

On day 15 of the oral hearing parties indicated that they would be unable to report to the Board whether they would be able to reach a settlement on Issue 3.6 (Do the revisions to the Regulatory Cost Allocation Methodology meet the Board's directives in the 2006 decision?). In that all other issues had been settled or examined, the panel concurred with the parties' proposal that Issue 3.6 should be addressed in a separate phase in this proceeding. In this regard, the panel requested that counsel jointly submit a schedule that would assist in the preparation of a procedural order.

Counsel for EGD I submitted a proposed schedule of events and indicated that it had been circulated to the Intervenor s. The schedule provided for the filing of further evidence, the convening of two Technical Conferences, the filing of interrogatories in advance to be answered in the Technical Conferences, the filing of responses to Technical Conference undertakings and a settlement process.

THE BOARD THEREFORE ORDERS THAT:

1. Parties who require additional information of EGD I pertaining to Issue 3.6 shall request it by written interrogatory filed with the Board and delivered to EGD I and other parties on or before Friday April 20, 2007.
2. A Technical Conference, involving Board Staff, Intervenor s and EGD I will be convened for EGD I to respond to questions parties may have related to Issue 3.6. The Technical Conference will be transcribed and will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, on

Tuesday May 1, 2007 at 9:00 a.m. Any undertakings that ensue will be responded to by Tuesday May 8, 2007.

3. Intervenor who wish to present evidence shall file that evidence with the Board and deliver it to EGD and the other Intervenor on or before Tuesday May 29, 2007.
4. Parties who require additional information pertaining to the Intervenor's evidence shall request it by written interrogatories filed with the Board and delivered to the Intervenor and other parties on or before Tuesday June 5, 2007.
5. A Technical Conference, involving Board Staff, Intervenor and EGD will be convened for Intervenor to respond to questions parties may have related to the Intervenor evidence pertaining to Issue 3.6. The Technical Conference will be transcribed and will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, on Tuesday June 12, 2007 at 9:00 a.m. Any undertakings that ensue will be responded to by Tuesday June 19, 2007.
6. Any submission from EGD in reply to evidence filed by the Intervenor will be filed with the Board and delivered to all parties by Thursday July 5, 2007.
7. A Settlement Conference will be convened on Monday July 9, 2007 at 9:00 a.m. with the objective of reaching settlement on Issue 3.6 among the parties. The Settlement Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto.
8. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than 4:00 p.m. on Friday July 13, 2007.
9. The Board will sit on Monday July 16, 2007 at 9:30 a.m. at 2300 Yonge Street, 25th floor Toronto in the Board's hearing room to hear the

Settlement Proposal. In the event that there is no settlement, examination of Issue 3.6 will commence.

10. All parties shall file their submissions with the Board Secretary, 10 hard copies and one electronic copy in searchable PDF format at boardsec@gov.on.ca , by 4:00 p.m. on the date indicated, and copy all parties. Parties must also include the Case Manager, Richard Battista richard.battista@oeb.gov.on.ca and Board Counsel, Michael Millar michael.millar@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto, April 16, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary