



**EB-2014-0323**

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

**AND IN THE MATTER OF** an application by Enbridge Gas  
Distribution Inc. for an Order or Orders pursuant to section  
36 of the *Ontario Energy Board Act, 1998*, in relation to a  
Settlement Agreement dated October 10, 2014.

**PROCEDURAL ORDER NO. 1**  
**November 14, 2014**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application (the "Application") with the Ontario Energy Board (the "Board") on October 27, 2014, under section 36 of the *Ontario Energy Board Act, 1998*, seeking an Order of the Board approving a Settlement Agreement dated October 10, 2014 (the "Settlement Agreement"), which sets out the terms upon which Enbridge's customers will be given access to service at the Dawn Hub. The Board assigned the application file number EB-2014-0323.

In its Application, Enbridge specifically requested the following:

- a) Approval of the Settlement Agreement;
- b) Approval of the methodology for the calculation of the Dawn Transportation Service Charge, which is set out in the Settlement Agreement; and
- c) Approval of the establishment of the Dawn Access Costs Deferral Account for the purpose of recording the costs incurred by Enbridge in order to implement the Dawn Transportation Service.

The Board issued a Notice of Application (the "Notice") on October 29, 2014. Enbridge was directed to serve the Notice and the Application on all participants in the Dawn Access Consultative, the EB-2012-0451 proceeding and the EB-2011-0354 proceeding. The following parties requested intervenor status:

- Aegent Energy Advisors Inc. (“Aegent”)
- The Association of Power Producers of Ontario (“APPrO”)
- The Building Owners and Managers Association (“BOMA”)
- The Canadian Manufacturers & Exporters (“CME”)
- Direct Energy Marketing Limited (“Direct Energy”)
- Energy Probe Research Foundation (“Energy Probe”)
- The Federation of Rental-housing Providers of Ontario (“FRPO”)
- The Industrial Gas Users Association (“IGUA”)
- Just Energy Ontario L.P. (“Just Energy”).

APPrO, BOMA, CME, Energy Probe, FRPO and IGUA also applied for cost eligibility. Enbridge did not object to the requests for intervenor status or cost eligibility.

Intervenor status is granted to all of the parties that requested it. I have also determined that APPrO, BOMA, CME, Energy Probe, FRPO and IGUA are eligible to apply for an award of costs under the Board’s *Practice Direction on Cost Awards*.

The list of parties in this proceeding is attached as Appendix “A” to this procedural order.

In the Notice of Application, all parties were asked to include a statement in their intervenor requests advising the Board whether they plan to file interrogatories or make a formal submission.

By letter dated November 11, 2014, FRPO requested the opportunity to file written interrogatories and make a formal submission. No other parties requested an opportunity to file written interrogatories and / or a formal submission.

Enbridge responded to FRPO’s request on November 13, 2014. Enbridge noted that it required approvals related to its Application by December 19, 2014. Enbridge stated that it was concerned about the delay that would arise from a schedule designed to allow for written discovery and argument. Instead, Enbridge proposed that the Board hold a one-day hearing. Enbridge proposed that, at the hearing, it would present the Dawn Access Settlement Agreement to the Board and the Board would have an opportunity to ask any questions that it may have. In addition, FRPO would have an opportunity to ask any questions and make its submissions.

I am of the view that Enbridge's proposal is the most effective and procedurally efficient approach given the timing of the required approvals. I have scheduled a date for an oral hearing below. At the oral hearing, Enbridge will first present its application and the Settlement Agreement to the Board. Board staff and all intervenors will be offered the opportunity to ask questions and make any submissions that they may have. It is expected that if parties other than FRPO plan to ask questions or make a submission at the hearing, they will advise the Board in writing prior to the hearing date. Any submissions are expected to be made orally at the hearing. Enbridge may reply to any submissions made.

I consider it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. The parties listed in Appendix "A" are granted intervenor status in this proceeding.
2. An oral hearing will be held on **November 20, 2014** beginning at 9:30 a.m. in the Board's Hearing room, on the 25<sup>th</sup> floor at 2300 Yonge Street, Toronto, Ontario to allow for the presentation by Enbridge of the application and the Dawn Access Settlement Agreement followed by questions and submissions by FRPO and any other party that has provided notice in writing to the Board of its intention to ask questions or to make a submission.

All filings to the Board must quote the file number, **EB-2014-0323** and be made in searchable / unrestricted PDF format electronically through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those 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.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Lawrie Gluck at [Lawrie.Gluck@ontarioenergyboard.ca](mailto:Lawrie.Gluck@ontarioenergyboard.ca) and Board Counsel, Michael Millar at [Michael.Millar@ontarioenergyboard.ca](mailto:Michael.Millar@ontarioenergyboard.ca).

### **ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

E-mail: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, November 14, 2014

**ONTARIO ENERGY BOARD**

**By delegation, before: Kristi Sebalj**

*Original signed by*

Kristi Sebalj  
Registrar

**Appendix 'A'**  
**To**  
**Procedural Order No. 1**  
**Enbridge Gas Distribution Inc.**  
**EB-2014-0323**  
**Applicant and List of Intervenors**  
**November 14, 2014**

**Enbridge Gas Distribution Inc.  
EB-2014-0323**

**APPLICANT & LIST OF INTERVENORS**

November 14, 2014

---

**APPLICANT**

**Rep. and Address for Service**

**Enbridge Gas Distribution Inc. Andrew Mandyam**

Director  
Enbridge Gas Distribution Inc.  
500 Consumers Rd.  
Toronto, ON M2J 1P8  
  
Tel: 416-495-5499  
Fax: 416-495-6072  
[egdregulatoryproceedings@enbridge.com](mailto:egdregulatoryproceedings@enbridge.com)

**APPLICANT COUNSEL**

**Fred Cass**  
Aird & Berlis LLP  
Suite 1800, P.O. Box 754  
Brookfield Place, 181 Bay Street  
Toronto ON M5J 2T9  
Tel: 416-865-7742  
Fax: 416-863-1515  
[fcass@airdberlis.com](mailto:fcass@airdberlis.com)

**INTERVENORS**

**Rep. and Address for Service**

**Aegent Energy Advisors Inc.**

**Valerie Young**  
Director, Research & Analysis  
Aegent Energy Advisors Inc.  
10 Four Seasons Place  
Suite 210  
Toronto ON M9B 6H7  
Tel: 16-622-9449 Ext: 104  
Fax: 16-622-9797  
[vyoung@aegent.ca](mailto:vyoung@aegent.ca)

Enbridge Gas Distribution Inc.  
EB-2014-0323

**APPLICANT & LIST OF INTERVENORS**

November 14, 2014

---

**Association of Power  
Producers of Ontario**

**David Butters**

President & CEO  
Association of Power Producers of Ontario  
25 Adelaide St. E.  
Suite 1602  
Toronto ON M5C 3A1  
Tel: 416-322-6549 Ext: 231  
Fax: 416-481-5785  
[David.Butters@appro.org](mailto:David.Butters@appro.org)

**John A.D. Vellone**

Borden Ladner Gervais LLP  
Scotia Plaza, 40 King Street West  
Toronto ON M5H 3Y4  
Tel: 416-367 6730  
Fax: 416-361 2758  
[jvellone@blg.com](mailto:jvellone@blg.com)

**John Wolnik**

Elenchus Research Associates Inc.  
34 King St. E.  
6th Floor  
Toronto ON M5C 2X8  
Tel: 519-474-0844  
Fax: 519-474-0844  
[jwolnik@era-inc.ca](mailto:jwolnik@era-inc.ca)

**James Little**

Borden Ladner Gervais LLP  
40 King Street West Suite 4100  
Scotia Plaza  
Toronto ON M5H 3Y4  
Tel: 416-367-6000  
Fax: 416-367-6749  
[jlittle@blg.com](mailto:jlittle@blg.com)

**Enbridge Gas Distribution Inc.  
EB-2014-0323**

**APPLICANT & LIST OF INTERVENORS**

November 14, 2014

---

**Building Owners and  
Managers Association  
Toronto**

**Thomas Brett**

Partner  
Fogler, Rubinoff LLP  
77 King Street West  
Suite 3000  
Toronto ON M5K 1G8  
Tel: 416-941-8861  
Fax: 416-941-8852  
[tbrett@foglers.com](mailto:tbrett@foglers.com)

**Marion Fraser**

President  
Fraser & Company  
33 Harbour Square  
Suite 502  
Toronto ON M5J 2G2  
Tel: 416-941-9729  
Fax: 416-941-8852  
[Marion.Fraser@rogers.com](mailto:Marion.Fraser@rogers.com)

**Canadian Manufacturers &  
Exporters**

**Paul Clipsham**

Director of Policy, Ontario Division  
Canadian Manufacturers & Exporters  
6725 Airport Rd.  
Suite 200  
Mississauga ON L4V 1V2  
Tel: 289-566-9538  
Fax: 905-672-1764  
[paul.clipsham@cme-mec.ca](mailto:paul.clipsham@cme-mec.ca)



Enbridge Gas Distribution Inc.  
EB-2014-0323

**APPLICANT & LIST OF INTERVENORS**

November 14, 2014

---

**Canadian Manufacturers &  
Exporters**

**Vincent DeRose**

Borden Ladner Gervais LLP  
100 Queen St.  
Suite 1300  
Ottawa ON K1P 1J9  
Tel: 613-787-3589  
Fax: 613-230-8842  
[vderose@blg.com](mailto:vderose@blg.com)

**Peter Thompson, Q.C.**

Borden Ladner Gervais LLP  
100 Queen St.  
Suite 1300  
Ottawa ON K1P 1J9  
Tel: 613-787-3528  
Fax: 613-230-8842  
[pthompson@blg.com](mailto:pthompson@blg.com)

**Emma Blanchard**

Borden Ladner Gervais LLP  
100 Queen Street  
Suite 1300  
Ottawa ON K1P 1J9  
Tel: 613-369-4755  
Fax: 613-230-8842  
[eblanchard@blg.com](mailto:eblanchard@blg.com)

**Direct Energy Marketing  
Limited**

**Ric Forster**

Director  
Direct Energy Marketing Inc.  
80 Allstate Parkway  
Markham ON L3R 6H3  
Tel: 905-943-6971  
Fax: 905-943-6425  
[ric.forster@directenergy.com](mailto:ric.forster@directenergy.com)

**Enbridge Gas Distribution Inc.  
EB-2014-0323**

**APPLICANT & LIST OF INTERVENORS**

**November 14, 2014**

---

**Energy Probe Research  
Foundation**

**David MacIntosh**

Case Manager  
Energy Probe Research Foundation  
225 Brunswick Avenue  
Toronto ON M5S 2M6  
Tel: 416-964-9223 Ext: 235  
Fax: 416-964-8239  
[DavidMacIntosh@nextcity.com](mailto:DavidMacIntosh@nextcity.com)

**Federation of Rental-housing  
Providers of Ontario**

**Dwayne Quinn**

Principal  
DR Quinn & Associates Ltd.  
130 Muscovy Drive  
Elmira ON N3B 3P7  
Tel: 519-500-1022  
Fax: 16)Not Provided  
[drquinn@rogers.com](mailto:drquinn@rogers.com)

**Industrial Gas User's  
Association**

**Ian Mondrow**

Gowling Lafleur Henderson LLP  
1 First Canadian Place  
100 King S. W. Suite 1600  
Toronto ON M5X 1G5  
Tel: 416-369-4670  
Fax: 416-862-7661  
[ian.mondrow@gowlings.com](mailto:ian.mondrow@gowlings.com)

Enbridge Gas Distribution Inc.  
EB-2014-0323

**APPLICANT & LIST OF INTERVENORS**

November 14, 2014

---

**Industrial Gas User's  
Association**

**Shahrzad Rahbar**

President  
Industrial Gas Users Association  
350 Sparks Street  
Suite 502  
Ottawa ON K1R 7S8  
Tel: 613-236-8021  
Fax: 613-230-9531  
[srahbar@iqua.ca](mailto:srahbar@iqua.ca)

**Mark Crane**

Partner  
Gowling Lafleur Henderson LLP  
Suite 1600, 1 First Canadian Place  
100 King Street West  
Toronto ON M5X 1G5  
Tel: 416-862-4309  
Fax: 416-862-7661  
[mark.crane@gowlings.com](mailto:mark.crane@gowlings.com)

**Just Energy Ontario L.P.**

**Nola Ruzycki**

Vice President, Regulatory Affairs Canada  
Just Energy New York Corp.  
6345 Dixie Road  
Suite 200  
Mississauga ON L5T 2E6  
Tel: 403-462-4299  
Fax: 905-564-6069  
[nruzycki@justenergy.com](mailto:nruzycki@justenergy.com)