



**EB-2014-0277**

**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 approving the final balances and for clearance of certain Demand Side Management Variance Accounts into rates, within the next available QRAM following the Board's approval

**PROCEDURAL ORDER NO. 1**

**November 19, 2014**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application with the Ontario Energy Board (the "Board") dated October 2, 2014 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B) (the "Act"), for an order or orders approving the final balances in certain 2013 Demand Side Management ("DSM") Deferral and Variance Accounts. Enbridge is also seeking the disposition of the balances in these accounts, and inclusion into rates, within the next available Quarterly Rate Adjustment Mechanism following the Board's approval. The Board has assigned file number EB-2014-0277 to the application.

The accounts which are the subject of the application and the balances recorded are as follows:

DSM Incentive Deferral Account	\$4,538,188 (to shareholder)
Lost Revenue Adjustment Mechanism Variance Account	(\$50,317) (to ratepayers)
DSM Variance Account	(\$3,601,806) (to ratepayers)

The net balance of the DSM Accounts is \$886,065 to be collected from ratepayers.

Enbridge has also applied to the Board for such final and interim orders and/or accounting orders as may be necessary in relation to clearance of the accounts which are the subject of this application.

### **Intervenors**

The Board issued a Notice of Application and Hearing on October 31, 2014. The following parties applied for intervenor status and cost eligibility:

- Building Owners and Managers Association, Greater Toronto ("BOMA");
- Canadian Manufacturers & Exporters ("CME"); and
- Energy Probe Research Foundation ("EP").

Each of BOMA, CME and EP is granted intervenor status. The list of parties in this proceeding is attached as Appendix "A" to this Procedural Order. I have also determined that BOMA, CME, and EP are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

### **Confidentiality**

Enbridge filed redacted and confidential un-redacted versions of its application. Enbridge requested that the redacted information in the areas listed below be maintained in confidence pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction") and Rule 10 of the Board's *Rules of Practice and Procedure*:

- Exhibit B, Tab 5, Schedule 1 – Custom Project Savings Verification Report prepared by MMM Group Ltd.
- Exhibit B, Tab 5, Schedule 2 – Custom Project Savings Verification Report prepared by Gevinar Inc.

Enbridge stated that information has been redacted where it might reveal the identity of program participants, the location of participating facilities, and their internal processes and operations. Enbridge further stated that these are either matters of privacy or commercial sensitivity, that it has committed to protect such information, and that it is the expectation of custom program participants that this information will be protected. Furthermore, Enbridge stated that its future efforts to attract program participants could be prejudicially impacted if such information is released publicly.

I direct Enbridge to provide confidential versions of the evidence to counsel and consultants for intervenors who have signed the Declaration and Undertaking form from the Board's Practice Direction. A process for the filing of written submissions on whether the information which is currently redacted should remain confidential or be made public is provided in the Order below.

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

**IT IS THEREFORE ORDERED THAT:**

1. Any party, including Board staff, may file a written submission on whether the information filed confidentially should remain confidential or be placed on the public record of this proceeding on or before **December 3, 2014**.
2. Enbridge may file a written reply to any written submission from parties or Board staff on or before **December 17, 2014**.
3. Intervenors and Board staff may request from Enbridge any relevant information and documentation that is in addition to the evidence already filed through written interrogatories filed with the Board and served on all parties on or before **December 3, 2014**.
4. Enbridge shall file with the Board complete written responses to all interrogatories and serve them on all intervenors and Board staff on or before **December 17, 2014**.

All filings to the Board must quote the file number, EB-2014-0277, and be made electronically through the Board's web portal at <https://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 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, Vince Mazzone at [Vince.Mazzone@ontarioenergyboard.ca](mailto:Vince.Mazzone@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 19, 2014

**ONTARIO ENERGY BOARD**

**By delegation, before: Kristi Sebalj**

*Original signed by*

Kristi Sebalj  
Registrar

**APPENDIX A**

**APPLICANT AND LIST OF INTERVENORS**

**EB-2014-0277**

**ENBRIDGE GAS DISTRIBUTION INC.**

**DATED: NOVEMBER 19, 2014**

**Enbridge Gas Distribution Inc.**

**EB-2014-0277**

**APPLICANT & LIST OF INTERVENORS**

November 19, 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)

**Enbridge Gas Distribution Inc.**

**Mr. Dennis O'Leary**

Enbridge Gas Distribution Inc.

181 Bay Street  
Suite 1800  
Box 754  
Toronto ON M4J 2T9

Tel: 416-865-4711  
Fax: 416-863-1515  
[doleary@airdberlis.com](mailto:doleary@airdberlis.com)

**INTERVENORS**

**Rep. and Address for Service**

**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)

**Enbridge Gas Distribution Inc.**

**EB-2014-0277**

**APPLICANT & LIST OF INTERVENORS**

- 2 -

November 19, 2014

**Building Owners and  
Managers Association  
Toronto**

**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)

**Peter Thompson**

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

**Enbridge Gas Distribution Inc.**

**EB-2014-0277**

**APPLICANT & LIST OF INTERVENORS**

- 3 -

November 19, 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)

**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)

**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)

**Roger Higgin**

Sustainable Planning Associates Inc.  
15 Malabar Place  
Toronto ON M5B 1A4  
Tel: 416-391-0738  
Fax: Not Provided  
[spainc@rogers.com](mailto:spainc@rogers.com)