

# AIRD & BERLIS LLP

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BY EMAIL AND RESS

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. and Union Gas Limited (Utilities)  
2015-2020 Multi-Year DSM Plans  
Board File: EB-2015-0029 / EB-2015-0049**

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We are writing as counsel to Enbridge Gas Distribution Inc. (**Enbridge**) in response to a letter of Mr. David Poch, counsel to Green Energy Coalition (**GEC**), dated May 13, 2015. We are responding to GEC's request that the Technical Conference be held on an earlier date and that GEC and other intervenors planning to file evidence be provided additional time to file evidence. We deal with each item separately.

## Earlier Technical Conference

Enbridge is concerned that if a Technical Conference is held prior to intervenor evidence being filed and before the positions of the parties have been formed based upon a complete record, then much of the value of a Technical Conference will have been lost. It is only after all of the pre-filed evidence has been filed and interrogatories on same have been answered that parties will be in a position to ask informed questions at a Technical Conference for the purposes of understanding the positions being taken and to facilitate discussions about those issues potentially capable of settlement and those issues which need to be included on the Issues List and to proceed to hearing.

Enbridge views the request by GEC as a request for a second oral round of interrogatories. This request is being made before Enbridge has responded to any interrogatories. It is therefore not known if another round of interrogatories would be of any benefit. Of course, if such a request is granted without the Utilities being afforded a similar opportunity in respect of the evidence filed by intervenors, then this would amount to procedural unfairness.

Enbridge notes that historically a second round of interrogatories has not been required by intervenors in respect of the DSM Plans filed by Enbridge. It is noteworthy that GEC does not indicate that it will be unable to generate evidence without a second round of interrogatories. GEC believes that this further round would allow for clarification and

follow-up on the IR responses of the Utilities. Enbridge submits that GEC has not demonstrated a need for two Technical Conferences.

Enbridge is concerned that if an additional Technical Conference is permitted by the Board, it will cause delay in respect of the proceeding, making the likelihood of a decision being reached in the 2015 calendar year less likely.

Two-week Extension for Intervenor Evidence

GEC is proposing that the time period between the filing of interrogatory responses by the Utilities and the filing of intervenor evidence be extended from two weeks to one month. It is noteworthy that GEC does not say that work on intervenor evidence cannot commence earlier. Indeed, it would be surprising to learn that work on intervenor evidence only commences upon the receipt of interrogatory responses from the Utilities. Presumably the drafting of intervenor evidence can be well advanced before IR responses are received.

Enbridge's concern again is that a two-week extension will delay any final decision by the Board. As well, if the request by GEC to undertake a second round of interrogatories by means of an earlier Technical Conference is also added upfront, this will delay matters even further. While Enbridge by no means wishes to unfairly rush parties in terms of the development of their evidence, Enbridge believes that a two-week extension does not appear warranted.

Yours truly,

AIRD & BERLIS LLP

[original signed]

Dennis M. O'Leary

DMO:ct

cc Lawrie Gluck, Case Manager, Ontario Energy Board  
cc Michael Millar, Legal Counsel, Ontario Energy Board  
cc Intervenors EB-2015-0029 / EB-2015-0049

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