

AIRD & BERLIS LLP

Barristers and Solicitors

Frederick D. Cass
Direct: 416.865.7742
E-mail: fcass@airdberlis.com

November 20, 2015

BY EMAIL

Kristen Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2015-0334; Review Motion – Jim Babirad/Enbridge Gas
Distribution Inc.**

We are counsel for Enbridge Gas Distribution Inc. in connection with the motion by Jim Babirad to review and vary the Board's Decision and Order in EB-2014-0351 dated October 29, 2015. We understand that the Board has assigned file number EB-2015-0334 to the review motion.

It is our submission that the proposed motion does not pass the threshold question referred to in Rule 43.01 of the Board's *Rules of Practice and Procedure*. We respectfully request that, in accordance with Rule 43.01, the Board address the threshold question of whether the matter should be reviewed, before conducting any review on the merits.

If you have any questions in this regard, please do not hesitate to contact us.

Yours truly,

AIRD & BERLIS LLP

(ORIGINAL SIGNED)

Fred D. Cass

FDC

cc. Enbridge Gas Distribution Inc.
Mark Rubenstein, counsel to Jim Babirad