

March 9, 2016

**VIA RESS AND COURIER**

Ms. Kirsten Walli  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Ian A. Mondrow  
Direct 416-369-4670  
ian.mondrow@gowlingwlg.com

Assistant: Cathy Galler  
Direct: 416-369-4570  
cathy.galler@gowlingwlg.com

File No. T1007912

Dear Ms. Walli:

**Re: EB-2015-0276 – Union Gas Limited (Union) Application for 2014 Demand Side Management Clearance of Variance Accounts.**

***Additional IGUA Interrogatories on Appendix N – 2014 Verification of Large Custom Projects.***

---

We write in response to Union's legal counsel's letter of yesterday (March 8<sup>th</sup>) regarding IGUA's late filing of additional interrogatories.

We believe that IGUA's additional interrogatories are the first (and only) set of interrogatories which have been filed in respect of Exhibit B, Tab 1, Appendix N (the Diamond Report). The Diamond Report was filed by Union in support of its claim for recovery/retention of costs associated with its 2014 large volume customer DSM program. It would be helpful for IGUA, as representative in these proceedings of large volume customers, to have its 11 additional interrogatories regarding the Diamond Report responded to.

Union's counsel is quite right that IGUA's additional interrogatories were filed late (on March 7<sup>th</sup>). Mr. Smith is also quite right that we have not provided an explanation for such late filing. The lateness of the filing is a function of the writer's schedule and the time taken to review and consider the Diamond Report, and has nothing to do with the mechanics of this application, or any actions or inactions of Union. IGUA intervened late in this process (on February 18<sup>th</sup>), sought access through counsel to the Diamond report late (on February 23<sup>rd</sup>), and submitted interrogatories on that report late (March 7<sup>th</sup>). While late in reference to Procedural Order No. 1 herein, it is also relevant that these steps spanned just over 2.5 weeks. During this period IGUA also filed interrogatories on the balance of Union's evidence. Though we have no extenuating circumstances to plead, it is submitted that 2.5

weeks between the intervention request and the filing of these additional interrogatories is not an inordinate amount of time.

Union has indicated that it will not be responding to IGUA's additional interrogatories absent a direction from the Board, on the basis that the additional interrogatories were filed after Union had filed its interrogatory responses, contrary to the procedure established by Procedural Order No. 1.

IGUA's additional interrogatories do not arise from Union's responses to earlier interrogatories; they are not a supplemental or second round of discovery.

Union has provided no substantive explanation of why it cannot respond to these additional interrogatories, or how it or the Board's process would be prejudiced by Union doing so.

When these additional interrogatories were submitted, we asked in our covering letter that Union make reasonable efforts to respond to them as and when it is able to do so, fully anticipating that any such responses would follow the filing by Union of responses to interrogatories which it had previously received. Union has now filed responses to the interrogatories which it had previously received.

The Board has provided that, unless it orders otherwise, any written submission on Union's application are to be filed by March 23<sup>rd</sup>. IGUA is not seeking any extension to that deadline, and fully intends to file its written submissions on Union's application by March 23<sup>rd</sup>.

Given Union's statement that it will not respond to IGUA's additional interrogatories absent a direction from the Board, and given that Union has not provided any substantive reason indicating why it could not respond to the 11 additional interrogatories submitted by IGUA, and given that these additional interrogatories seem to be the only interrogatories posed in respect of the Diamond Report, we hereby request that the Board direct Union to respond to these 10 additional interrogatories, to the best of its ability, by March 21<sup>st</sup> (8 business days from today).

Yours truly,



Ian Mondrow

- c. V. Innis (Union)
- A. Smith (Torys LLP, Counsel for Union)
- S. Rahbar (IGUA)
- V. Mazzone (OEB Staff)
- M. Millar (OEB Staff)
- Intervenors of Record