



EB-2017-0102

Enbridge Gas Distribution Inc.

Application for the disposition of amounts recorded in certain deferral and variance accounts and approval of the earnings sharing amount

**PROCEDURAL ORDER NO. 1
June 14, 2017**

Enbridge Gas Distribution Inc. (Enbridge Gas) filed an application dated May 9, 2017 with the Ontario Energy Board (OEB) under section 36 of the *Ontario Energy Board Act, S.O. 1998, c.15, (Schedule B)* for an order approving the disposition of balances in certain deferral and variance accounts. The application also includes a request for approval to share earnings with ratepayers in accordance with the 2014-2018 Custom Incentive Regulation plan framework (EB-2012-0459).

The total net balance of all of the deferral and variance accounts that have been requested for disposition by Enbridge Gas is \$42.2 million as at October 1, 2017. This includes a \$3.4 million refund to ratepayers associated with the earnings sharing mechanism. The total rate impact for a typical residential customer is a charge of about \$7.20 in each of October and November 2017 and for a typical commercial customer is a charge of about \$51.00 in each of October and November 2017.

The OEB issued a Notice of Hearing on May 25, 2017. The last date for intervention was June 5, 2017. The following parties applied for intervenor status:

- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association (BOMA)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- School Energy Coalition (SEC)
- TransCanada PipeLines Limited (TCPL)
- Union Gas Limited
- Vulnerable Energy Consumers Coalition (VECC)

Each of APPrO, BOMA, CCC, Energy Probe, FRPO, IGUA, SEC, and VECC also applied for cost award eligibility. No objections were received regarding the requests for intervenor status or cost eligibility.

Intervenor status is hereby granted to each of the parties listed above. Each of APPrO, BOMA, CCC, Energy Probe, FRPO, IGUA, SEC and VECC is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards* in respect only of those accounts and issues for which the OEB indicated it would allow costs in its Notice of Hearing. The list of intervenors in this proceeding is attached as Schedule A to this procedural order.

In the OEB's Notice of Hearing, the OEB indicated that intervenor cost claims would be allowed only for certain specifically listed accounts/issues in the proceeding. In its intervention request, FRPO argued that gas supply issues, which were not specified by the OEB as being cost eligible, should be eligible for cost awards and should be included on the issues list for the proceeding. FRPO noted that it was concerned by the lack of regulatory review of Enbridge Gas' gas supply planning decisions while these matters are being considered in the generic gas supply review proceeding, *Framework for the Assessment of Distributor Gas Supply Plans* (EB-2017-0129). In reply, Enbridge Gas filed a letter dated, June 6, 2017, opposing the request of FRPO. Enbridge Gas stated that there is no basis to expand the scope of the current proceeding to include scrutiny of gas supply issues.

FRPO is free to pursue gas supply issues in the current proceeding insofar as the issues are related to the accounts and disposition requests that are the subject of this proceeding. On the matter of cost eligibility, the OEB has determined that it will not allow cost claims from cost eligible parties in relation to gas supply issues in this proceeding. The OEB notes that Enbridge Gas is not seeking any specific approval in the current proceeding in relation to gas supply planning and that the on-going generic proceeding, EB-2017-0129 is the appropriate proceeding to consider broader gas supply issues. The OEB's decision in this regard is consistent with its decision in EB-2017-0091 where FRPO raised similar concerns in relation to the review of Union Gas Limited's gas supply plans.

To clarify, the list of issues included in the Notice of Hearing is not a comprehensive "issues list" for the proceeding, it is a subset of issues/accounts for which the OEB has determined that cost eligibility will be available to intervenors. There are additional issues in the case for which the OEB will be required to make a decision, but for which the OEB will not allow cost claims. These are still relevant to the case and intervenors may wish to participate in the review of those issues/accounts but there will be no cost awards granted for time spent in relation to those issues/accounts.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors that require information and material from Enbridge Gas that is in addition to Enbridge Gas' evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the OEB and delivered to Enbridge Gas and all intervenors by **June 29, 2017**.
2. Enbridge Gas shall file with the OEB complete responses to the interrogatories and deliver them to the intervenors and OEB staff by **July 14, 2017**.
3. Unless otherwise ordered by the OEB, a Settlement Conference will be convened on **July 26, 27 and 28, 2017** at 9:30 a.m. with the objective of reaching a settlement among the parties on the issues. The Settlement Conference will be held in the OEB's hearing room at 2300 Yonge Street, 25th Floor, Toronto.
4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the OEB by **August 11, 2017**.
5. If a Settlement Proposal is filed, OEB staff's submission on the Settlement Proposal shall be filed with the OEB and served on all parties within **7 days** from the date that the Settlement Proposal is filed.
6. If there is no Settlement Proposal arising from the Settlement Conference, Enbridge Gas shall file a statement to that effect with the OEB by **August 4, 2017**.

All filings to the OEB must quote the file number, **EB-2017-0102** and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed. 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 <https://www.oeb.ca/industry>. If the web portal is not available, parties may email their documents to the address below.

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@oeb.ca.

ADDRESS

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

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

DATED at Toronto, June 14, 2017

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original Signed By

Kristi Sebalj
Registrar
Office of the Registrar

Schedule A

Procedural Order No. 1

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Applicant and List of Intervenor

June 14, 2017

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APPLICANT & LIST OF INTERVENORS

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APPLICANT

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School Energy Coalition

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