



EB-2017-0306

**Enbridge Gas Distribution Inc. and Union Gas
Limited**

**Application for approval to amalgamate Enbridge Gas
Distribution Inc. and Union Gas Limited**

PROCEDURAL ORDER NO. 2

January 16, 2018

Enbridge Gas Distribution Inc. (Enbridge Gas) and Union Gas Limited (Union Gas), jointly referred to as applicants, filed an application dated November 2, 2017 with the Ontario Energy Board (OEB) under section 43(1) of the *Ontario Energy Board Act, 1998*, for approval to effect the amalgamation of Enbridge Gas and Union Gas into a single company referred to as Amalco.

The applicants have also requested a deferred rebasing period of 10 years. The applicants have filed a separate rate setting mechanism application¹ that proposes an annual index mechanism for adjusting annual rates during the 10-year deferred rebasing period.

The OEB issued a Notice of Hearing on December 1, 2017. The OEB issued Procedural Order No. 1 on December 22, 2017, which approved a list of intervenors and scheduled an Issues Conference, Issues Day and a discovery process that included filing of intervenor evidence.

An Issues Conference was held on January 15, 2018, with the objective of developing a proposed issues list for presentation to the OEB. The OEB understands that there was no consensus on the issues list proposed by the applicants. However, the parties

¹ EB-2017-0307 filed on November 23, 2017.

agreed on the addition of three issues that were proposed by the Municipality of Chatham-Kent. The three issues are:

1. What is the status of the Undertakings to the Lieutenant Governor in Council of Ontario?
2. Should the Undertakings be replaced by a condition of the approval of the OEB of the proposed merger?
3. If so, what should the content of the condition be?

In Procedural Order No. 1, the OEB had scheduled an Issues Day on January 18, 2018 to deal with any contested issues. However, the OEB will not hold an Issues Day on the scheduled date. The OEB has determined that it will proceed by way of written submissions.

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. The applicants shall file with the OEB their argument-in-chief with respect to their proposed Issues List and serve it on all intervenors by **January 19, 2018**.
2. Intervenors and OEB staff who wish to file submissions on the applicants' proposed Issues List and suggest revisions shall file them with the OEB and other intervenors by **January 26, 2018**.
3. The applicants shall file their reply argument with the OEB and serve it on all intervenors by **February 2, 2018**.
4. The procedural steps #3 to #10 outlined in Procedural Order No. 1 are suspended pending the determination of an OEB-approved Issues List for the proceeding.

All filings to the OEB must quote the file number, **EB-2017-0306** and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at <https://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 <http://www.oeb.ca/OEB/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, Khalil Viraney at Khalil.Viraney@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca and Ian Richler at Ian.Richler@oeb.ca.

ADDRESS

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DATED at Toronto, January 16, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary