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VIA RESS, EMAIL & COURIER

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

**Re: EB-2017-0306: Enbridge Gas Distribution Inc. and Union Gas Limited
MAAD Application**

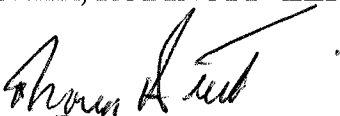
BOMA is writing to request the Board to remedy an inequity that exists in the process to determine the Issues Lists for the EB-2017-0306 and EB-2017-0307 proceedings.

The Board staff itself typically files a Draft Issues List for a case, in its initial Procedural Order. The Board staff elected not to do so in this case because EGD pre-empted the Board's normal process for determining an Issues List and proposed its own Draft Issues List in its Application. The Board did not ask EGD to include a Draft Issues List in its Application. EGD did this on its own, and now claims that it should have a right of reply to the intervenors' submissions on that Issues List and the rationale for that List. The Board has authorized EGD's "Reply" in

Procedural Order No. 2. The normal process is for the Board staff to propose a Draft Issues List, and to the extent parties cannot agree on its contents, either in an Issues Conference or otherwise, to hold an Issues Day before the Board, where all parties have the opportunity to make submissions to the Board on their proposed deletions, additions, or modifications to the Board staff Draft Issues List. The Board then decides on a final Issues List, which it includes in a subsequent procedural order. The utility has no "right of reply" in this process, nor should it have one in EB-2017-0306 or EB-2017-0307. Moreover, EGD filed a lengthy submission last Friday, setting out the rationale and support for its proposed Issues List and denigrating the intervenors' proposed list. In fact, the intervenors' filed a template for its Issues List early last week to allow EGD to address the intervenors' list in its submission last Friday, and EGD took the opportunity to do so. It is hard to conceive of anything more that EGD could say after such a lengthy submission. In any event, it is grossly unfair to offer EGD alone a right of reply on the determination of the Issues List for these two proceedings, and BOMA urges the Board to allow all parties to make a second submission, due on the same date as EGD's "Reply", or to remove EGD's right of reply in EB-2017-0306; and further, give EGD no right of reply in any upcoming Procedural Order it may issue in EB-2017-0307.

Yours truly,

FOGLER, RUBINOFF LLP


Thomas Brett
TB/dd
cc: All Parties (*via email*)