BY EMAIL and RESS

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March 9, 2018
Our File No. EB-2017-0323/4

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2017-0323/4 – Enbridge and Union 2015 DSM Clearances

We are counsel for the School Energy Coalition. This letter is sent in response to the letter of counsel for Union Gas dated March 8, 2018.

The position of Union Gas appears to be that their Application is unique, and should be heard entirely separately from that of Enbridge.

This is inexplicable to us. The only two issues of substance that are contentious in these cases appear to be:

a) The claim by the utilities that the results of the net-to-gross work of the Evaluation Contractor are wrong, poorly done, biased, and not properly applied to the results from 2015; and

b) The surprising allegations by the utilities that OEB Staff mismanaged the audit and evaluation process through inexperience and perhaps bias.

The two applications use identical arguments to make these same points, over and over again. They cite the same sources. They allege the same wrongful actions. The NTG report they impugn is a common report for both audits by the same Evaluation Contractor, overseen as a single process by the same EAC on which both utilities sit. The spillover decision that upsets them so much is one decision that applied to both utilities. Both utilities filed and rely on an expert report by Daniel Violette on the NTG issue. Both utilities enumerate the same claims of missteps by OEB Staff, with the same alleged results.

What counsel for Union Gas appears to be proposing is that the two utilities, under common ownership today, and taking essentially identical positions in their Applications (whether by accident or by agreement) should be given the opportunity to argue these same issues before two separate Board adjudicative panels. They would lead their expert evidence twice. They would cross-examine the same Evaluation Contractor twice on the same issues, and cross-examine any intervenor witnesses twice on those issues as well. Intervenors would cross-examine the utility witnesses separately, but asking the same questions of both, about the same alleged facts, events, and arguments.

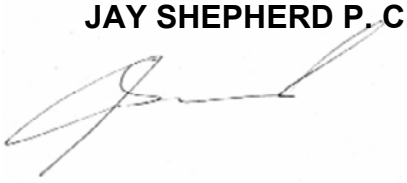
The reason we wrote our letter of March 7th in the first place is that, when we wrote interrogatories, fully two-thirds of the Union Gas interrogatories were direct copies of the Enbridge interrogatories, and many of the remainder were very similar, reworded only because the wording of the underlying evidence was slightly different.

This is not just a question of the two proceedings being duplicative and wasteful. There is the obvious risk that, by proceeding before two Board panels, the decisions could be different, or even similar but confusing. Alternatively, the second Board panel could be guided by the first, and then challenged for failing to decide independently.

SEC is therefore unclear why Union Gas thinks that regulatory efficiency and fairness is served by two separate proceedings.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties