

Elson Advocacy

April 12, 2018

BY COURIER (2 COPIES) AND RESS

Ms. Kirsten Walli

Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700, P.O. Box 2319
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

**Re: EB-2017-0319 Enbridge Gas Distribution Inc. (“Enbridge”)
RNG Enabling Program and Geothermal Energy Service Program
Notice of Motion re Intervention Request**

I am writing to request intervenor status and costs eligibility in the above proceeding on behalf of the Ontario Geothermal Association (“OGA”). If granted intervenor status, the OGA will provide a helpful perspective on the issues as the experts in geothermal energy service in the province. Although the deadline for intervention requests has passed, granting intervenor status will not prejudice any parties or cause any delay because the proceeding is still at an early stage and the OGA does not seek to submit evidence or comment on the issues list.

Interest of the Proposed Intervenor

The OGA is an association established in 2009 to represent the interests of Ontario designers, drillers, installers, equipment manufacturers and distributors of geothermal energy systems. Geothermal energy systems, sometimes also called “ground source heat pumps”, tap the temperature differential between the ambient air and the ground to heat and cool buildings in an efficient and environmentally friendly manner. Geothermal energy systems do not emit or generate greenhouse gases.

The OGA is an affiliated member of the Heating, Refrigeration and Air Conditioning Institute (“HRAI”), the national association for manufacturers, wholesalers and contractors in the HVACR industry.

The OGA has a strong interest in Enbridge’s proposed Geothermal Energy Service Program. The OGA believes that Enbridge’s entry into the market has the potential to significantly expand geothermal energy in Ontario, if designed and executed prudently. This is an outcome that the OGA strongly supports. The proposal could also benefit

consumers by lowering both carbon emissions and energy costs in the province. The OGA wishes to intervene in support of those goals.

Potential Contribution and Intended Participation

The OGA can contribute to this hearing and provide a helpful perspective to the Board because the members of the OGA are the true experts on geothermal energy in the province. The fees that Enbridge proposes to charge are dependent on factors such as expected customer adoption rates and forecast costs. These are areas where the OGA's knowledge and experience could provide useful insight. Indeed, as noted in Exhibit B-1-1, p.8, Enbridge has already worked with the OGA in relation to its application.

The OGA, if granted intervenor status and cost eligibility, intends to file interrogatories, participate in the hearing, review and test the evidence, and make submissions. The OGA does not wish to file evidence.

The OGA's participation would focus exclusively on the geothermal portion of the application. The OGA believes that Enbridge's entry into this sector could potentially help overcome barriers to the expansion of geothermal in the province. Enbridge has relationships, scale, brand recognition, and a regulatory structure that could potentially facilitate much greater penetration of geothermal energy in Ontario. However, many more details regarding Enbridge's plans are required. The OGA wishes to test the evidence and obtain further information through interrogatories and cross-examination with the aim of ensuring that Enbridge's plans are prudent, fair, and beneficial to Ontario.

Address for Service

The OGA requests that all materials be sent in electronic format only to:

(a) OGA:

Ontario Geothermal Association c/o HRAI 2350 Matheson Avenue,
Suite 101 Mississauga, Ontario L4W 5G9

Attn: Martin Luymes, Co-ordinator Phone: 905 602-4700 Ext. 235
Fax: 905 602-1197
Email: mluymes@hrai.ca

(b) OGA's counsel:

Kent Elson
Elson Advocacy
160 John Street, Suite 300
Toronto, Ontario M5V 2E5

Tel.: 416-906-7305

Fax: 416-763-5435
Email: kent@elsonadvocacy.ca

Costs Eligibility

The OGA requests costs eligibility in this proceeding. As a relatively small, environmentally beneficial industry, the OGA has limited resources to participate in proceedings of this type. Providing costs reimbursement will allow the OGA to participate fully and to maximize its assistance to the Board.

While the OGA's members' commercial interests are undoubtedly affected by the issues in this hearing, that impact is secondary to and aligned with the impact on ratepayers and the environment. The OGA wishes to expand and enhance geothermal energy service in Ontario, which is consistent with need to transition to a low-carbon future that is affordable to ratepayers.

The OGA was granted intervenor status in EB-2016-0004 (the generic natural gas expansion hearing), was deemed eligible for costs, and received a cost award.¹ Granting costs eligibility to the OGA would also be consistent with the Board's decision in this proceeding to grant eligibility to the Canadian Biogas Association.²

Reasons for Late Intervention

We submit that leave to intervene is warranted even though the deadline for intervention requests has passed. Most importantly, this proceeding is still at an early stage. Granting intervenor status will not prejudice the applicant or any parties.

Under the Board's *Rules of Practice and Procedure*, a notice of motion is required for a late intervention request. We ask that this letter serve as notice of a motion to be determined by the Board with or without a hearing in accordance with Rule 22.

The OGA is a small organization and is not a frequent intervenor at the Board. Therefore, some leeway would be reasonable. Furthermore, the OGA initially sought the assistance of counsel who could not ultimately assist with the case. It therefore took some additional time to locate and retain counsel with extensive experience at the energy board and with knowledge of the issues in the case.

The OGA understands that the time for submitting comments on the issues list has passed. It does not seek to submit late comments. Furthermore, the OGA does not seek to file evidence. Therefore, granting this late intervention request would have no negative impact on the hearing schedule.

¹ EB-2016-0004, Decision and Procedural Order No. 2, March 9, 2016, p. 6; EB-2016-0004, Decision and Order on Cost Awards, p. 3.

² EB-2017-0319, Procedural Order No. 1, April 3, 2018.

Please do not hesitate to contact me if anything further is required.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Elson', with a stylized, cursive script.

Kent Elson

c: All parties