

May 30, 2007

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: Applications of Union Gas Limited (“Union”) and Enbridge Gas
Disbribution Inc. (“EGD”) for approval of Rates for 2008 and
Beyond/Your Files EB-2007-0615/EB-2007-0606**

I write, on behalf of my client, the Consumers Council of Canada, to request that the Board make provision, in these proceedings, for awarding disbursement costs, for any expert retained by intervenors, as those disbursement costs are incurred.

By way of background, the Board’s practice has been to allow the recovery of fees and disbursements, for intervenors seeking cost awards, only at the end of a proceeding. As a result of that practice, experts retained by intervenors have to incur costs, for example, for travel and accommodation, for which they may not receive compensation for many months. This is in contrast to experts retained by utilities, who are, presumably, compensated for disbursements as soon as they are incurred. This puts Intervenor, who must rely on cost awards to be able to participate in OEB proceedings, at a significant disadvantage in being able to retain experts. This disadvantage is particularly acute in circumstances where a proceeding extends over many months.

The Board has, this week, issued a cost award decision in the Natural Gas Incentive Regulation Proceeding. Included in the cost award is compensation for the disbursements incurred by the expert, Mr. Loube, retained by a number of the intervenors, including my client. However, Mr. Loube will necessarily have to incur additional costs, as the applications of Union and Enbridge proceed. If the ordinary practice is followed, Mr. Loube will not be compensated for those disbursements until the two applications have been disposed of and a cost award decision rendered, which may be many months from now.

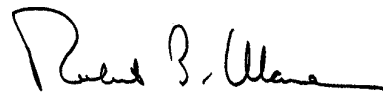
In the circumstances, we ask that the Board adopt a practice, for these two applications, of allowing intervenors’ experts to be compensated for their disbursements as soon as they are incurred. Doing so will, at least to the extent of disbursement expenses, relieve a burden which those experts now bear.

We do not know whether other intervenors have, or will, retain experts. Because of that, this request is framed as a general one, applicable to all intervenors.

Your consideration in this matter is appreciated.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Enbridge Gas Distribution Inc.
cc: Union Gas Limited
cc: Peter Thompson
cc: Michael Buonaguro
cc: Julie Girvan
cc: All Parties

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