

Elson Advocacy

November 2, 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-2018-0205 – Enbridge Gas Distribution Inc. (“Enbridge”)
EB-2018-0187 – Union Gas Limited (“Union”)
2019 Carbon Pricing Applications**

We are writing on behalf of Environmental Defence to request intervenor status and costs eligibility in the above two proceedings and to provide submissions regarding the interim order requested by the utilities.

Environmental Defence seeks intervenor status and costs eligibility as a leading environmental organization that represents both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through increased conservation and other means.

Interim Order

As a preliminary matter, the utilities have requested an interim order by November 30, 2018 to be applied to bills effective January 1, 2019. The utilities note that this is necessary to avoid adding a large backlog of accrued charges to bills in the future.¹ The request for an interim order is clearly in the best interests of customers as it would help smooth rates.

An interim order is also necessary to fulfill the purpose of the *Greenhouse Gas Pollution Pricing Act* (the “*Act*”) to *efficiently* create incentives to reduce carbon usage through carbon pricing.² The *Act* is meant to send price signals to customers. Delaying those price signals beyond January 1, 2019 would frustrate the purposes of the *Act*. Furthermore, adding a backlog of accrued charges to customer bills would cause confusion and interfere with the efficiency and

¹ EB-2018-0205, Enbridge Application, Ex. A, Tab 2, Schedule 2, p. 5, para. 17.

² *Greenhouse Gas Pollution Pricing Act*, S.C. 2018, c. 12, s. 186, preamble (“Whereas behavioural change that leads to increased energy efficiency ... is necessary for effective action against climate change; Whereas the pricing of greenhouse gas emissions ... is an appropriate and efficient way to create incentives for that behavioural change”).

effectiveness of the intended price signals. Customers would ultimately pay the same amount, but the price signal would be less effective. Nobody benefits from delay.

In light of the above, Environmental Defence supports the request for an interim order, without prejudice to a final decision in this proceeding.

Nature and Scope of Intended Participation and Interest in Proceeding

Environmental Defence wishes to file interrogatories, participate in the hearing, review and test the evidence, make submissions, and seek a cost award. Environmental Defence may seek to file evidence after more information relating to this proceeding becomes available. Environmental Defence's interest in this proceeding is in promoting both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through conservation and other means. Environmental Defence wishes to address important issues relating to this mandate.

Oral Hearing

Environmental Defence requests that an oral hearing be held in this matter because these are the first carbon pricing applications filed by the utilities. Therefore, this proceeding will likely determine how these carbon pricing applications are dealt with in the future and may resolve questions and debates between the stakeholders in that regard.

For example, the *Greenhouse Gas Pollution Pricing Act* explicitly states that it is intended to cause “increased energy efficiency” and other behavioural changes that are necessary for effective action against climate change.³ By putting an escalating price on carbon, the *Act* significantly increases the potential savings from natural gas demand side management programs. Environmental Defence believes the utilities should increase their energy efficiency programs in response to this price signal. This raises a number of important issues, including whether, when, and under what regulatory framework natural gas energy efficiency programs should be expanded in response to the price signals created by the *Act*. These are examples of the important issues that warrant an oral hearing.

In the alternative, Environmental Defence requests that the Board defer its decision between an oral or written hearing and provide intervenors with an opportunity to make further submissions regarding following receipt of the interrogatory responses.

Environmental Defence

A. Mandate and Objectives of Environmental Defence

Environmental Defence has been working since 1984 to protect Canadians' environment and human health. Environmental Defence's mandate and objective is to challenge, and inspire

³ *Greenhouse Gas Pollution Pricing Act*, S.C. 2018, c. 12, s. 186, preamble (“Whereas behavioural change that leads to increased energy efficiency ... is necessary for effective action against climate change; Whereas the pricing of greenhouse gas emissions ... is an appropriate and efficient way to create incentives for that behavioural change”).

change in government, business and people to ensure a greener, healthier and prosperous life for all. Its vision is to create a world Canadians are proud to pass on to their children.

B. Membership and Constituency

Environmental Defence is supported by many thousands of donors across the province and country. It sees its constituency as Canadians who are concerned about the environment and the legacy that we will pass on to our children.

C. Types of Programs and Activities that Environmental Defence Carries Out

Environmental Defence has been highly successful in its public interest advocacy on energy issues. Environmental Defence's environmental work, on issues ranging from toxic chemicals to clean beaches, has led to concrete improvements in the lives of Canadians. For example, the dangerous chemical Bisphenol A ("BPA") is now banned in baby bottles in Canada due to concerns first raised by Environmental Defence in 2007. For many years, Environmental Defence has participated in the federal government's Chemicals Management Plan.

Environmental Defence is also the coordinator of Blue Flag Canada, which certifies beaches so that Ontario families can enjoy this public resource. It also co-founded Blue Green Canada with the United Steelworkers, which promotes green energy initiatives that have positive employment and economic impacts.

Environmental Defence also publishes reports and guides in the area of energy conservation, efficiency, and policy. For example, it has created an interactive online tool to help energy consumers reduce their bills through energy efficiency initiatives. Some further publications include:

- *Building an Ontario Green Jobs Strategy*
- *Ontario's Electricity System, a Background*
- *Canada's Methane Gas Problem: Why strong regulations can reduce pollution, protect health, and save money*
- *Powering up efficiency to get the conservation framework right*
- *The \$2 Billion Question - How Can Ontario Reinvest Cap-and-Trade Proceeds to Meet its Climate Challenge and Grow the Economy?*
- *What to Look for in the Canadian Energy Strategy*
- *Background - Coal and Renewable Energy in Ontario*
- *Building Ontario's Green Economy: A Road Map*
- *Ontario Feed-In Tariff: 2011 Review*
- *The Global Clean Energy Jobs Race: Ontario's Opportunity*
- *Blowing Smoke: Correcting Anti-Wind Myths in Ontario*
- *Faces of Transformation: Jobs, economic renewal and cleaner air from Year*
- *One of Ontario's Green Energy Act*
- *Falling Behind: Canada's Lost Clean Energy Jobs*
- *Greening Canada's Building: Report Card*

These and other reports can be found at <http://environmentaldefence.ca/reports/>.

Requests for Evidence and Addresses of Representative

Environmental Defence requests that electronic copies of the pre-filed materials and all other documents in the proceeding be delivered to the following consultant and counsel:

Electronic copies to:

Jack Gibbons
Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto, Ontario M5V 2E5
Tel: (416) 260-2080 ext. 2
E-mail: jack@cleanairalliance.org

Electronic copies to:

Kent Elson
Elson Advocacy
1062 College Street, Lower Suite
Toronto, Ontario M6H 1A9
Tel: (416) 906-7305
Fax: (416) 763-5435
E-mail: kent@elsonadvocacy.ca

We also request that the above individuals be listed on the intervenors' list under Environmental Defence.

Address of Environmental Defence

Environmental Defence's full name and address is:

Environmental Defence Canada Inc.
116 Spadina Avenue, Suite 300
Toronto, Ontario M5V 2K6
Tel: (416) 323-9521
Fax: (416) 323-9301

However, please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.

Service on other Parties

Environmental Defence requests the Board's directions as to whether this letter should be served on any other parties.

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', written in a cursive style.

Kent Elson