

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Sched. B, as amended;*

**AND IN THE MATTER OF** an application by Enbridge Gas Distribution Inc. for an order or orders approving its proposal for open billing services;

**AND IN THE MATTER OF** an Application by Enbridge Gas Distribution Inc. for an Order or Orders amending or varying the rates charged to customers for the sale, distribution, transmission, and storage of gas commencing as of January 1, 2019.

## **NOTICE OF INTERVENTION**

### **OF THE**

### **HVAC COALITION**

1. The HVAC Coalition hereby applies for intervenor status in this proceeding, and requests that the Board allow recovery of its reasonably incurred costs of its participation.

#### **General Interest of the Intervenor**

2. The HVAC Coalition is a coalition established to represent the interests of Ontario heating and air conditioning contractors, suppliers, and manufacturers in matters relating to energy regulation, policy, and management. It counts amongst its members a majority of the heating and air conditioning contractors operating within the Applicant's franchise area.
3. The intervenor's members have a significant interest in the activities of regulated gas distributors in the province, because any action by a gas distributor to use its monopoly power to affect the competitive markets can affect not only the economic viability of the members' businesses, but the nature and price of the services available to the members' customers, who are also customers of the gas utilities. Past actions of gas utilities have created significant barriers to the competitive flow of goods and services within the HVAC equipment and servicing sectors, in some cases causing serious impacts on local small and medium sized enterprises around the province.

#### **Issues to be Addressed**

4. The Open Bill program was first established at the instance of HVAC Coalition and others to ensure that access to the Enbridge bill was open in a fair and equitable manner to all those who compete in the HVAC marketplace. HVAC Coalition continues to be focused on ensuring that the program meet those goals, while continuing to both protect and benefit the customers of Enbridge Gas Distribution.
5. HVAC Coalition's intended participation in EB-2018-0319 will focus on the following issues:

- (a) The impacts, positive and negative, of the continuation of the existing Open Bill program, with particular emphasis on the implications of the merger between Enbridge Gas Distribution and Union Gas on January 1, 2019; and
- (b) Generally to represent the interests of local heating and air conditioning contractors in this process.

#### **The Intervenor's Intended Participation**

- 6. The HVAC Coalition intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. HVAC Coalition also intends to participate in any oral hearing of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order.

#### **Nature of Hearing Requested**

- 7. Until the interrogatories have been answered, we believe it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding.

#### **Counsel/Representative**

- 8. The HVAC Coalition requests that a copy of all documents filed with the Board by each party to this proceeding be served on the Applicant, and on the Applicant's counsel, as follows:

- (a) HVAC Coalition (electronic copies only):

HVAC COALITION  
2350 Matheson Blvd. East,  
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) HVAC Coalition's counsel (electronic and physical copies):

**SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION**  
2200 Yonge Street, Suite 1302  
Toronto, Ontario, M4S 2C6

Attn: Jay Shepherd  
Phone: 416-483-3300  
Cell: 416-804-2767  
Fax: 416-483-3305  
Email: jay@shepherdrubenstein.com

### **Costs**

9. The HVAC Coalition has in the past sometimes been awarded costs relating to its participation in proceedings before the Board. Those situations in which costs have been allowed have been ones in which the primary focus has been the impact on ratepayers, and HVAC Coalition can provide a perspective to the Board that would otherwise not be available. HVAC Coalition generally does not intervene where those conditions are not met. HVAC Coalition has been held eligible for costs in previous Open Bill proceedings, and intends to seek an order for costs in this proceeding as well.

Respectfully submitted on behalf of the HVAC Coalition this 11<sup>th</sup> day of January, 2019.

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Jay Shepherd  
Counsel for the HVAC Coalition