



EB-2018-0331

**Enbridge Gas Distribution Inc.
Union Gas Limited
EPCOR Natural Gas Limited Partnership**

**Applications for the disposition of Cap and Trade-Related Deferral and Variance
Accounts for the period 2016-2018**

PROCEDURAL ORDER NO. 2

January 18, 2019

This proceeding will deal with the prudence review of the cap and trade-related variance and deferral account balances for Enbridge Gas Distribution Inc. (Enbridge Gas), EPCOR Natural Gas Limited Partnership (EPCOR Gas) and Union Gas Limited (Union Gas) ("the Gas Utilities").

The OEB assigned the following file number to this combined proceeding: EB-2018-0331.

Proceeding Background

On December 7, 2018, the OEB issued a Notice of Hearing and Procedural Order No. 1 (Notice and Procedural Order No. 1) for a combined hearing to consider the Gas Utilities' applications. The Notice and Procedural Order No. 1 outlined the scope of the hearing and directed the Gas Utilities to file supplemental evidence by January 31, 2019. The Notice and Procedural Order No. 1 also set out dates for intervenor requests, interrogatories and interrogatory responses.

Intervenors

The following parties applied for intervenor status (* denotes a request for cost eligibility):

- Association of Power Producers of Ontario (APPrO)*
- Building Owners and Managers Association, Greater Toronto (BOMA)*
- Consumer Council of Canada (CCC)*
- Canadian Manufacturers & Exporters (CME)*
- Industrial Gas Users Association (IGUA)*
- City of Kitchener (Kitchener)
- London Property Management Association (LPMA)*
- Ontario Sustainable Energy Association (OSEA)*
- School Energy Coalition (SEC)*
- Vulnerable Energy Consumers Coalition (VECC)*

Enbridge Gas, EPCOR Gas and Union Gas did not file a response objecting to the requests for intervenor status or cost eligibility.

All parties that requested intervenor status in this proceeding are granted intervenor status. The list of intervenors is attached as Schedule A to this Order.

APPrO, BOMA, CCC, CME, IGUA, LPMA, OSEA, SEC and VECC are each eligible to apply for an award of costs pursuant to the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed. Further, being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order, typically at the end of the proceeding.

Filing of Supplemental Evidence

Request for Delay

On December 19, 2018, the OEB received a letter from Union Gas seeking to extend the deadline for filing its supplemental evidence as directed by the Notice and Procedural Order No. 1 to no earlier than February 21, 2019. Union Gas sought an extension to include actual cap and trade-related deferral and variance account balances for its general service customers as of December 31, 2018.

The OEB grants the extension and directs Union Gas to file their supplemental evidence by **February 21, 2019**.

Strictly Confidential Material¹

Several parties² submitted letters with the OEB raising concerns as to whether strictly confidential treatment should be applied to some information that will be filed in this proceeding, given that *The Climate Change Mitigation and Low-carbon Economy Act, 2016* (Climate Change Act) and Ontario Regulation 144/16 (O.Reg. 144/16) have been repealed.³

Enbridge Gas and Union Gas stated that they support the continued treatment of strictly confidential information in this proceeding. They argued that the revocation of the Climate Change Act does not extinguish the effect of its statutory prohibitions against the release of strictly confidential information. These prohibitions were in effect when the cap and trade activities being reviewed in this proceeding took place. Accordingly, they submitted that the information remains strictly confidential.

The OEB intends to address the treatment of material previously defined as strictly confidential in a future order. Until that time, the Gas Utilities are to follow the approach as directed in Notice and Procedural Order No. 1 for filing supplemental evidence such that information that was previously identified as strictly confidential should not be placed on the public record or made available to any other parties.

The OEB is cancelling the dates for interrogatories and interrogatory responses as directed in Notice and Procedural Order No. 1. The OEB will set out the dates for these activities in a future order.

Schedule of Procedural Steps

The OEB is making provision for the following procedural steps in the order below. The OEB may issue further procedural orders from time to time.

¹ EB-2015-0363 *Report of the Board - Regulatory Framework for Assessment of Costs of Natural Gas Utilities' Cap and Trade Activities* set out two categories of strictly confidential information: auction confidential and market sensitive information

² APPRO's letters dated December 19, 2018 and December 28, 2018; IGUA's letters dated December 13, 2018 and January 11, 2019; and SEC's letters dated December 13, 2018 and January 11, 2019

³ The *Cap and Trade Cancellation Act, 2018* came into force on November 14, 2018

IT IS THEREFORE ORDERED THAT:

1. Enbridge Gas and EPCOR Gas are to file all supplemental evidence as outlined in Notice and Procedural Order No. 1 on their cap and trade-related variance and deferral accounts with the OEB by **January 31, 2019**. Supplemental evidence that is strictly confidential shall be filed only with the OEB and shall be clearly identified as strictly confidential. All other supplemental evidence is to be served on all parties.
2. Union Gas is to file all supplemental evidence as outlined in Notice and Procedural Order No. 1 on its cap and trade-related variance and deferral accounts with the OEB by **February 21, 2019**. Supplemental evidence that is strictly confidential shall be filed only with the OEB and shall be clearly identified as strictly confidential. All other supplemental evidence is to be served on all parties.
3. The dates for interrogatories and interrogatory responses as directed in Notice and Procedural Order No. 1 are cancelled.

All filings to the OEB must quote the file numbers **EB-2018-0331**, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Laurie Klein at Laurie.Klein@oeb.ca and OEB Counsel, Lawren Murray, at Lawren.murray@oeb.ca.

ADDRESS

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DATED at Toronto, **January 18, 2019**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A

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APPLICANTS & LIST OF INTERVENORS

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January 21, 2019

APPLICANT

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January 21, 2019

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