

Enbridge Gas Inc.
2019 Federal Carbon Pricing Program Application

PROCEDURAL ORDER NO. 1
April 1, 2019

In August 2018, the Ontario Energy Board (OEB) approved the amalgamation of Enbridge Gas Distribution Inc. and Union Gas Limited. The companies have amalgamated to form Enbridge Gas Inc. (Enbridge Gas) effective January 1, 2019.

Enbridge Gas has applied to the OEB for approval under section 36(1) of the *Ontario Energy Board Act, 1998* (OEB Act) to increase rates to recover costs associated with meeting its obligations under the federal *Greenhouse Gas Pollution Pricing Act* (GGPPA).

The GGPPA establishes a federal carbon pricing program under which Enbridge Gas is required to pay to the Government of Canada for the use of natural gas by both Enbridge Gas (Facility Carbon Charge)¹ and its customers (Customer-related Carbon Charge).

The OEB issued a Notice of Hearing on February 13, 2019. The following parties applied for intervenor status:

- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association, Greater Toronto (BOMA)
- Canadian Manufacturers & Exporters (CME)
- City of Kitchener (Kitchener)
- Consumers Council of Canada (CCC)
- W. Shawn Davitt
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence (ED)

¹ Also includes Output-Based Pricing System.

- EPCOR Natural Gas Limited Partnership (ENGLP)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Ontario Association of Physical Plant Administrators (OAPPA)
- Ontario Sustainability Energy Association (OSEA)
- School Energy Coalition (SEC)

APPRO, BOMA, CME, CCC, Mr. W. Shawn Davitt, Energy Probe, ED, FRPO, IGUA, LPMA, OAPPA, OSEA and SEC also applied for cost eligibility.

No objection to the intervention requests was received from Enbridge Gas.

APPRO, BOMA, CME, Kitchener, CCC, Energy Probe, ED, ENGLP, FRPO, IGUA, LPMA, OAPPA, OSEA and SEC are approved as intervenors.

APPRO, BOMA, CME, CCC, Energy Probe, ED, FRPO, IGUA, LPMA, OAPPA, OSEA and SEC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are typically made by way of OEB order at the end of a hearing.

Mr. Davitt's request for intervenor status is denied.

As set out in Rule 22 of the OEB's *Rules of Practice and Procedure*, a person applying for intervenor status must satisfy the OEB that he or she has a substantial interest in the proceeding in which they seek to be an intervenor. In his intervention request, Mr. Davitt states that he is intervening "to ensure that the Ontario Energy Board complies with its governing statute and acts in a transparent manner." Mr. Davitt further argues that the OEB has "frequently failed to comply with its governing statute and failed to act in a transparent manner." Mr. Davitt cites as an example, the OEB's December 14, 2018 Interim Decision and Accounting Order in this proceeding. Mr. Davitt further states that the OEB failed to specify the legislative provisions which grant the OEB the authority to make such an Order.

The OEB notes that its authority to create deferral accounts and issue accounting orders arises from the broad just and reasonable rate making power under section 36 of the OEB Act.

Based on his intervention request, the OEB is not satisfied that Mr. Davitt has a substantial interest in the specific subject-matter of this proceeding.

The list of parties in this proceeding is attached as Schedule A to this procedural order.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. APPrO, BOMA, CME, Kitchener, CCC, Energy Probe, ED, ENGLP, FRPO, IGUA, LPMA, OAPPA, OSEA and SEC are approved as intervenors. APPrO, BOMA, CME, CCC, Energy Probe, ED, FRPO, IGUA, LPMA, OAPPA, OSEA and SEC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

All filings to the OEB must quote the file number, EB-2018-0205 and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at <https://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.oeb.ca/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 USB memory stick 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, Michael Bell at Michael.Bell@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

ADDRESS

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DATED at Toronto, **April 1, 2019**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar
Office of the Registrar

Schedule A

Enbridge Gas Inc.

EB-2018-0205

Applicant and List of Intervenors

Dated: April 1, 2019

**Enbridge Gas Inc.
EB-2018-0205**

APPLICANT & LIST OF INTERVENORS

April 1, 2019

APPLICANT

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APPLICANT & LIST OF INTERVENORS

April 1, 2019

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APPLICANT & LIST OF INTERVENORS

April 1, 2019

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APPLICANT & LIST OF INTERVENORS

April 1, 2019

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**Enbridge Gas Inc.
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APPLICANT & LIST OF INTERVENORS

April 1, 2019

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APPLICANT & LIST OF INTERVENORS

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APPLICANT & LIST OF INTERVENORS

April 1, 2019

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