

April 15, 2019

**VIA RESS AND COURIER**

Ms. Kirsten Walli  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

**Ian A. Mondrow**  
Direct 416-369-4670  
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Assistant: Cathy Galler  
Direct: 416-369-4570  
cathy.galler@gowlingwlg.com

Dear Ms. Walli:

**Re: EB-2018-0319 – Enbridge Gas Inc. (EG) – Open Bill Access (OBA) Services.**

**Vista Credit (Vista) Representation and Intervention Request.**

We write to advise the Board and interested parties that we have been retained to act as counsel of record herein for Vista.

Vista has recently filed two letters related to its request for intervention herein, pursuant to the Board's Decision and Procedural Order No. 4. For the convenience of the Board we attach copies of those letters to this letter, and provide elaboration on the distinct nature and scope of Vista's interest and intended participation in this matter.

**Nature and Scope of Vista's Interest**

As indicated in Vista's March 18<sup>th</sup> letter, Vista was one of the earliest adopters of the EG OBA program, and is Ontario's leading provider of finance and rental programs supporting Ontario's independent heating, ventilation, and air-conditioning (HVAC) contractors. Vista works with a network of several hundred Ontario HVAC contractors whose customer contracts Vista acquires for financing purposes, and who continue to service their customers under those contracts. There are more than 600 such contracts currently financed and billed through EG's OBA program. Vista believes that access by these contractors, through Vista, to the EG bill has supported the competitiveness and success of their businesses, and of its own.

As indicated in Vista's March 26<sup>th</sup> letter, Vista was not a party to the first phases of this proceeding, and was not aware until receipt of the post-settlement process Notice of Hearing directed by P.O. No. 4 that the continuation of the OBA program would be an issue before the Board in this proceeding. Contrary to the position which Vista understands, from review of the Partial Settlement Agreement filed with the Board, is being taken by HVAC Coalition, Vista strongly advocates continuation of the OBA program. Wholesale discontinuation of that program would undermine the competition in the Ontario HVAC services sector which the OBA program was initially intended to, and has in fact, supported since its inception.

Vista further notes Enercare's position, as indicated in the Partial Settlement Agreement, that Enercare does not agree with discontinuation of the current OBA program bill insert service. Vista's experience is that this service is largely inaccessible to HVAC contractors and has undermined, rather than promoted, competition in the HVAC services sector. Vista agrees with the other parties to the Partial Settlement Agreement that the bill insert portion of the OBA program should be discontinued, as contemplated in the 2014 OBA Settlement.

### **Intended Participation**

Vista intends to participate in the further interrogatory process directed by the Board in P.O. No. 4, and the facilitated meeting among the parties which the Board has scheduled for June 12<sup>th</sup>. Vista will seek to establish that the OBA program, absent the bill insert program, has supported competition for HVAC services in Ontario, in particular in the previous Enbridge Gas Distribution service territory where it has been available since 2007. In contrast, competition for HVAC services is much less robust in the previous Union Gas service territory where no comparable billing service has, to date, been made available and where competitive barriers thus continue *vis a vis* the previous utility affiliate incumbent in that part of the province.

Subject to the outcome of the further interrogatory process and the June 12<sup>th</sup> facilitated meeting, should the matter proceed to hearing Vista is considering what evidence it could provide that would assist the Board in its consideration and determination of the issues now raised in this matter.

### **Request for Written Evidence and Contact Information**

Vista has retrieved and reviewed electronic copies of all materials filed in this matter to date, and does not require hard copies. We request that copies of further filings related to this matter be directed to Vista as follows:

Ian Mondrow, Partner  
**GOWLING WLG (CANADA) LLP**  
Suite 1600, 1 First Canadian Place  
100 King Street West  
Toronto, Ontario  
M5X 1G5

Phone: 416-369-4670  
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Glen Leis  
Senior Vice-President, Business Development  
**VISTA CREDIT**  
6 Gurdwara Road, Suite 205  
Ottawa, Ontario  
K2E 8A3

Phone: 416-999-9300  
E-Mail: [glen@vistacredit.ca](mailto:glen@vistacredit.ca)

Yours truly,



Ian A. Mondrow

Attachs.

c: G. Leis (Vista)  
K. Culbert (EG)  
L. Chiasson (EG)  
D. Stevens (Aird & Berlis)  
D. Lau (OEB Staff)  
K. Viraney (OEB Staff)  
Intervenors of Record

TOR\_LAW\ 9870936\1

March 18<sup>th</sup>, 2019



SENT VIA EMAIL

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario, M4P 1E4

**Re: Request for Intervener Status, Vista Credit Corp., Enbridge Gas Distribution Inc; Open Bill Access Services; File Number EB-2018-0319**

Dear Ms. Walli,

Vista Credit Corp ("Vista") is hereby requesting intervener status in the above-referenced proceeding. Vista is one of the earliest adopters of the Enbridge Open Bill Access program and Ontario's leading provider of finance and rental programs for independent HVAC contractors. As such, the outcome of this proceeding will have a direct impact on Vista and our many partners that work within traditional Enbridge territory.

At this juncture, we do not anticipate the need to seek an award of costs for participating in this proceeding.

Please send further communications and hearing schedules with respect to this matter to:

Vista Credit Corp.  
Attention: Glen Leis, Senior Vice President, Business Development  
Tel: 1 (416) 999-9300  
Fax: 1 (877) 678-4782  
Email: [glen@vistacredit.ca](mailto:glen@vistacredit.ca)

Regards

**Glen Leis, CMA, CPA, MBA**  
Senior Vice President, Business Development & Marketing  
Vista Credit  
mob. 416 999 9300  
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[www.vistacredit.ca](http://www.vistacredit.ca)

March 26<sup>th</sup>, 2019



SENT VIA EMAIL

Kirsten Walli  
Board Secretary, Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario, M4P 1E4

**Re: Follow Up to Request for Intervener Status, Vista Credit Corp., Enbridge Gas Distribution Inc; Open Bill Access Services; File Number EB-2018-0319**

Dear Ms. Walli,

We would like to add to the record our concerns as to the process used to introduce the concept of a potential shutdown of the Open Bill Agreement ("OBA"). Enbridge's initial submission was limited to the financial terms of the Open Bill Agreement ("OBA"), which were then discussed at length with dozens of OBA participants in attendance at meetings held by Enbridge in September of 2018 ("OBA Consultation"). At no time was the concept of a termination of the OBA mentioned by any parties.

Given that the concept of a shutdown was never discussed at the OBA Consultation, Vista disagrees with the statement in the recently posted Partial Settlement Proposal that "parties have agreed that it is appropriate to clarify the scope of the matters considered in this Application to include the question of whether the OBA Program should continue and, if not, how it should be wound down." This statement is inconsistent with the prior facts of the case.

Four of the five parties named in the Partial Settlement Proposal dated March 22, 2019 are not active billers. Accordingly, Vista maintains that the parties named in the Partial Settlement Proposal do not represent the industry that relies on and utilizes the OBA. A number of OBA users like Vista, act as conduits providing administrative and financial services that allow OBA access for hundreds of independent HVAC contractors across Ontario, the needs of which are not represented by the HVAC Coalition.

Although we have now applied for intervener status, the fact that the potential outcome of Enbridge's submission has been allowed to transition so dramatically, from financial terms to the possibility of a program shutdown, in the absence of the input of almost all program users is inappropriate in our opinion. Had the possibility of a shutdown of the OBA been contemplated at the outset, Vista and many others, would have been at the table as interveners.

We await your response to our request for status as an intervener on this application.

Regards,

**Glen Leis, CMA, CPA, MBA**  
Senior Vice President, Business Development & Marketing  
Vista Credit  
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