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***Sent by Electronic Mail, Courier and RESS Electronic Filing***

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
27-2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2019-0183: Enbridge Gas Inc. (Enbridge) Rate M17 and Owen Sound Reinforcement Leave to Construct (LTC) Application – Request by EPCOR Natural Gas Limited Partnership (ENGLP) to File Expert and Company Evidence.**

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On August 29, 2019, Enbridge filed an application with the Ontario Energy Board (the “**Board**”) seeking approval: (a) for a new firm transportation service for gas distributors under the Rate M17 rate class, effective December 1, 2019; (b) to modify the applicability of the existing Rate M9 and Rate T3 rate schedules; and (c) for leave to construct Enbridge’s proposed Owen Sound Reinforcement Project (the “**Application**”).

On November 1, 2019, the Board issued Procedural Order No. 1, wherein ENGLP was granted intervenor status and timelines were established for the interrogatory process. On November 28, 2019, Enbridge filed responses to all interrogatories. ENGLP’s application for intervenor status indicated that its participation “may involve, *inter alia*, **adducing evidence**, submitting interrogatories, cross-examining witnesses, adducing argument and otherwise participating in the hearing, as the circumstances require.”

This correspondence serves as ENGLP’s formal request to file expert and company evidence in this proceeding. The evidence that ENGLP intends to file (the scope of which is explained below) will (a) be relevant to the issues in this proceeding; and (b) assist the Board and intervenors in their review of the proposals in Enbridge’s Application. ENGLP is raising this issue early in this proceeding and in advance of a further Procedural Order being issued by the Board.

ENGLP requests that the Board make provision in its next Procedural Order for the filing of intervenor evidence by January 10, 2020. Due to the availability of the expert and taking into account staff absences and office closures over the December holiday season, it is anticipated that both company and expert evidence can be filed by January 10, 2020.

In paragraph 3 of its Application, Enbridge specifically states that it “is proposing the M17 service to ENGLP in response to a request to provide transportation to the South Bruce expansion area.” ENGLP

anticipates that its company evidence will set out in detail the direct impact to ENGLP and its future Southern Bruce customers in the event that Enbridge's requested approvals are granted. In particular, the company evidence will address ENGLP's ability to operate under the Rate M17 rate class, as proposed, and the overall economic implications of the Rate M17 rate class to the company and future ratepayers in the South Bruce area. This evidence will highlight anticipated operational difficulties arising from the proposed new Rate M17 service, direct cost consequences and information regarding the appropriateness of the proposed Contributions in Aid of Construction (CIAC).

The expert evidence will be sponsored by ENGLP only, and will consist of an expert report and associated evidence provided by John Todd, President of Elenchus Research Associates, Inc.

The expert evidence will address:

- Regulatory impacts upon new gas distributors (and their future customers) arising from the introduction of the proposed new Rate M17 the proposed modifications to Rate M9 and Rate T3.
- The extent to which the proposed Rate M17 service for new or existing gas distributors, including its terms and conditions, conform to established regulatory principles, practices and policies and Board precedents.
- The extent to which the proposed economic test and resulting CIAC for system expansions pursuant to EBO 134, conform to established regulatory principles, practices and policies and precedents.

Mr. Todd has considerable experience in natural gas regulation. He has prior experience testifying before multiple regulators and has been involved as a regulatory consultant and regulatory expert in several proceedings before the Board between 1991 and 2017. Mr. Todd's involvement in matters regulated by the Board includes, among other things, work on rate applications, the review of rates, and cost allocation and rate design and methodology.

The proposed Rate M17 is a new service proposed by Enbridge that has come about following a competitive process wherein ENGLP was approved to develop a natural gas distribution system to serve customers in the Southern Bruce area. The expert evidence will assist the Board in determining whether or not this new rate is required and appropriate in view of established regulatory principles, practices, policies and precedents and having regard to its anticipated impacts on the regulatory landscape. The expert evidence will also assist in ascertaining the appropriate economic test to determine what charges may apply with respect to the applied for reinforcement. The expert evidence would also assist the Board and intervenors in understanding the potential impact of approval of the M17 rate on existing M9 and T3 customers.

Finally, we wish to note Mr. Todd's availability in January and February of 2020. Mr. Todd will be out of country from January 20, 2020 to February 15, 2020. During this time, he may not have access to reliable technologies that would allow him to actively participate in a regulatory proceeding.

ENGLP submits that the proposed company and expert evidence is necessary to fully understand the implications of Enbridge's Application – not only on ENGLP, but also its future customers, and other Ontario ratepayers.

In order to ensure that ENGLP's proposal to file evidence does not delay a decision on the portion of Enbridge's application related to the LTC for the Owen Sound Reinforcement, ENGLP would support the Board proceeding on that matter in the absence of ENGLP's evidence as the evidence is not expected to be relevant to the LTC.

Should you have any questions, please do not hesitate to contact the writer.

Sincerely,

***Original signed by***

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cc: All parties to EB-2019-0183