

January 7, 2020

VIA RESS AND COURIER

Ms. Christine Long, Registrar & Board Secretary
ONTARIO ENERGY BOARD
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Dear Ms. Long:

Re: EB-2019-0255: Potential Projects to Expand Access to Natural Gas Distribution.
Industrial Gas Users Association (IGUA) Intent to Participate.

We write as legal counsel to IGUA.

We have reviewed the Board's letter in this matter to interested parties dated December 19, 2019, though we do not seem to have received it at the time that it was issued (though it is, of course, possible that we did receive it and I missed it). We were subsequently (on December 27th) contacted by OEB Staff to inquire regarding IGUA's intention to participate, which follow-up is greatly appreciated, however by that time I was out of the country as was IGUA's President from whom we take instructions, and as a result we were unable to confirm instructions at the time.

Intent to Participate

We have since reviewed both the details of this consultation as reflected in the Board's letter to interested parties and the draft *Guidelines for Potential Projects to Expand Access to Natural Gas Distribution* as issued by the Board, and have briefed IGUA and received instructions. In the result, IGUA would like to participate in this matter and provide brief comments on certain aspects of those draft guidelines. We are aware of the January 15th deadline for provision of such comments, and IGUA will be able to meet that deadline.

Request for Costs

IGUA also hereby requests that it be determined eligible for recovery of its reasonably incurred costs of participation in this matter. As a party primarily representing the direct interests of industrial consumers (i.e. ratepayers) in relation to regulated services, IGUA has in the past been determined to be eligible for cost awards pursuant to section 3.03(a) of the Board's *Practice Direction on Cost Awards*.

We are aware that the Board has already (on December 30th) issued a decision on cost eligibility in this matter. We are also now (though were not previously) aware that the Board had, in its December 19th letter to interested parties, cautioned that deadlines regarding requests for cost eligibility would be enforced. Nonetheless, and in the circumstances of this matter in which the Board has waived part of its usual cost award eligibility process that allows regulated natural gas distributors from whom any cost awards will be recovered to object to requests for cost award eligibility, it is respectfully submitted that no party would be prejudiced by, at this time, granting IGUA eligibility for recovery of its reasonably incurred costs of participation, in particular given the current 5 hour limit on claims for cost recovery in connection with providing comments on the draft guidelines.

We therefore respectfully request that the Board accept and consider IGUA's request for cost eligibility.

Yours truly,



Ian A. Mondrow

- c. S. Rahbar (IGUA)
- L. Klein (OEB Staff)

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