

Enbridge Gas Inc.

**Application for approval to continue the existing
financial terms associated with offering Open Bill
Access services for the years 2019 and 2020**

**PROCEDURAL ORDER NO. 10 AND DECISION ON CONFIDENTIALITY
January 16, 2020**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on December 4, 2018 under section 36 of the *Ontario Energy Board Act, 1998*, for approval to continue the existing financial terms associated with offering Open Bill Access (OBA) services for 2019 and 2020.

In Decision and Procedural Order (PO) No. 8, the OEB approved a partial settlement proposal, which settled on all but two items, and scheduled an oral hearing on the two unsettled items for January 30 and 31, 2020.

On January 10, 2020, in accordance with PO No. 9, intervenors filed evidence that they intend to rely upon for the determination of the two unsettled items.

Confidentiality

As part of its evidence, Vista Credit Corp. (VISTA) requested confidential treatment, pursuant to the OEB's *Practice Direction on Confidential Filings*¹, for certain personal and competitively sensitive information in Attachment B. VISTA submitted that the redacted information contains personal information of customers of VISTA and its heating, ventilation and air conditioning (HVAC) contractor partners, and this personal information is not material to the matters addressed in the evidence. The redacted information also contains competitively sensitive information, since it identifies specific HVAC contractors, or dispute tracking information that could be used to identify those particular HVAC contractors. VISTA submitted that identification of these businesses could result in targeted retributive competitive practices to prejudice the competitive positions of these contractors.

¹ Practice Direction on Confidential Filings, October 28, 2016

Findings

The OEB agrees that the redacted customer details are personal information that must be protected and also finds that the identity of contractors is not relevant to the OEB's determination of the unsettled items. On that basis, the OEB agrees that the redacted information will be accorded permanent confidential treatment and will not be disclosed to any party.

Oral Hearing

In order to have a focused and efficient oral hearing, the OEB requires parties that plan to cross-examine witnesses at the oral hearing to file, in writing, their initial positions on the two unsettled items, by January 28, 2020. This is intended to be a statement of initial positions only, which can be amended in the final submissions to be filed by parties. The OEB expects the submissions on initial positions to be brief and concise.

The two unsettled items are as follows:

1. What control should OBA customers have over the addition, removal and reinstatement of third party charges on their Enbridge Gas bill through the OBA services?
2. What restrictions, if any, should be placed on billing OBA customers for penalties, exit or termination fees, or similar charges through the Enbridge Gas bill?

The OEB reminds parties that effective March 1, 2020 amendments to the Gas Distribution Access Rule (GDAR) resulting from the OEB's review of customer service practices for gas distributors will take effect. For example, section 9.3.6 prescribes the allocation of payments and section 9.3.7 prohibits disconnects for any charges other than gas charges, security deposits and billing adjustments. Examination on matters that will be prescribed by these rules is therefore no longer relevant. Details of these amendments can be found at the following link:

<https://www.oeb.ca/sites/default/files/CSR-Attachment-D-GDAR-20190314.pdf>

The OEB is establishing procedural steps with this PO, however the procedural steps set out in PO No. 9 remain the same. The OEB may change the dates or the procedural steps as it finds necessary.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Parties that plan to cross-examine witnesses at the oral hearing shall file with the OEB, and serve on all parties, their initial positions on the two unsettled items by **January 28, 2020**.

All materials filed with the OEB must quote the file number, EB-2018-0319, be made in a searchable/unrestricted PDF format and sent electronically 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 email address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://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 computer access are required to file seven 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, Donald Lau at Donald.Lau@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

ADDRESS

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DATED at Toronto, January 16, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary