



BY EMAIL and RESS

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April 28, 2020
Our File No. 2019-0271

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Christine Long, Registrar and Board Secretary

Dear Ms. Long:

Re: EB-2019-0271 – Enbridge 2021 DSM Extension – GEC Motion

We are counsel for the School Energy Coalition. We are writing with respect to the motion by GEC dated April 17, 2020, and the submissions by the Applicant in that regard, filed on Friday.

In Procedural Order #2 the Board has not specifically provided for submissions on the motion from parties other than Enbridge and GEC, and SEC was not planning to make any such submissions. However, after reading the lengthy submissions of Enbridge, SEC is concerned with some of the assertions they contain, particularly as they relate to transparency of information, and the proposed generalized freedom of Enbridge DSM from any oversight or public scrutiny. SEC therefore asks the Board's indulgence to accept these brief submissions in response.

SEC wishes to bring to the Board's attention the following points:

1. The information requested is existing data. Enbridge admits (p. 16) that providing it involves “minimal effort”. This data has already been provided to the EC, and the EC has already prepared a more interactive spreadsheet incorporating the data. Enbridge has both.
2. Enbridge objects to providing this information because, despite GEC’s protestations, Enbridge is convinced that GEC will use it to propose material changes to the 2021 program offerings. This assumes that the Board is unable to control its process, and that once GEC has these spreadsheets, it will run amok, and the Board will not be able to stop it. GEC will, for example, propose the termination of the HER offering (p. 11) (which if memory serves is one that was originally proposed or promoted years ago by a GEC consultant), and then the entire existing framework will have to be rebuilt from scratch. This is not credible. If GEC tried to expand the scope by using this data (which would surprise SEC), the Board is perfectly capable of dealing with that.
3. Enbridge raises the issue of confidentiality of the information (p. 14). The information has been provided to the EC, and has been available to the members of the EAC if they wish to see it. The members of the EAC – which includes GEC’s consultant Mr. Neme, as well as the undersigned – have signed a Declaration and Undertaking similar to the Board’s standard form. It is unlikely that any other party will want access to this raw data. If they do, the Board can deal with it at the time. The Board deals with detailed proprietary models, and extensive commercially sensitive information, in filings all the time.
4. Enbridge says it has provided full answers to the GEC questions, but does not (because it cannot) explain how the existing answers would even deal with the example GEC has provided. They simply argue that giving customers a cheque for \$750 for a furnace that barely meets code is still a good idea because of the other things the customer has to do to qualify.
5. Enbridge argues that if GEC did find some kind of smoking gun in the raw data, it couldn’t do anything about it, because the Board’s PO does not provide for intervenor evidence. While certainly no intervenor evidence has currently been proposed by GEC or anyone else, the Board retains control over its procedure.
6. The raw data, says Enbridge (p. 13), should remain secret because GEC (or others) will manipulate it and change it, so that their spreadsheet will not match the Enbridge spreadsheet. This is what happens with all data provided by utilities in interrogatories, or in its application. It is, in fact, the reason why the Board requires utilities to provide much of its information in Excel format. One of the most effective ways to test utility data is to look at it from different perspectives, and with different assumptions. All proceedings have some component of that.

7. The concern is expressed that asking for information is inconsistent with the whole point of having a multi-year framework (p.14). This implies that even having intervenors in this proceeding is inconsistent. Indeed, why would Enbridge even have to apply for a rollover? The necessary implication is that they should get it as of right.
8. Under the rubric of “mayhem in future proceedings”, Enbridge argues (p. 15) that the intervenor role is limited to reviewing and commenting on what has happened in the past. Enbridge explicitly argues that intervenors – the representatives of their customers – should not be allowed to propose changes to their DSM plans. This is not a reasonable position to take, in our submission, and conveniently forgets the extent to which intervenors and OEB Staff have, both inside and outside Board proceedings, helped Enbridge and other utilities improve their plans.

SEC, like some other intervenors, relies on the technical expertise of individuals like GEC’s consultant Mr. Neme to identify issues that less technical parties might fail to spot. If GEC believes it needs this information, SEC would rather that their hands are not tied by lack of data. Thus, we support the GEC motion.

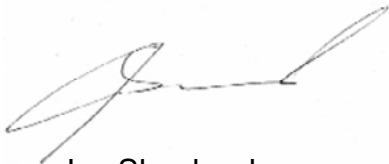
However, the more important reason for these brief submissions is that Enbridge is seeking to narrow the public review of their DSM activities. While SEC understands why Enbridge would prefer to have a “no-fuss, no-muss” proceeding with no serious review of what they are doing, in our view that is not appropriate when they are asking for approval to spend \$150 million.

SEC believes that a rollover is a good idea, and in fact suggested such a rollover on June 27, 2019 as part of our Phase I submissions on the DSM Framework. We thus support what Enbridge is trying to do in this Application. What we cannot support is their surprising attempt to limit any real scrutiny, and to call into question the value of intervenor review.

All of which is respectfully submitted.

Yours very truly,

SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties