

EB-2019-0271

Enbridge Gas Inc.

**Application to extend approved 2020 Demand Side
Management Plan for one-year into 2021**

**PROCEDURAL ORDER NO. 3 AND DECISION ON GREEN ENERGY
COALITION MOTION
May 14, 2020**

On November 27, 2019, the Ontario Energy Board (OEB) received an application from Enbridge Gas Inc. (Enbridge Gas) for an OEB order effective January 1, 2021 that approves Enbridge Gas's 2021 DSM Plans which roll-forward the OEB-approved 2020 DSM Plans including all programs, scorecards and other parameters (i.e., budgets, targets, and performance incentive structure). The OEB assigned file number EB-2019-0271 to the application.

A Notice of Hearing was issued on December 17, 2019.

The OEB issued Procedural Order No. 1 on February 24, 2020 outlining dates for interrogatories and written submissions. The OEB also provided guidance on the scope of the proceeding within Procedural Order No. 1. The OEB indicated that it does not expect material changes to the programs and no increase to the overall DSM budget to take place during the transition period from the current OEB-approved DSM plans, as a comprehensive policy consultation to review the DSM policy framework is currently underway. The OEB directed parties to focus their participation during this proceeding on ensuring that the OEB's previously-approved 2020 DSM plans will continue to deliver cost-effective savings in 2021, consistent with the OEB's January 20, 2016 [Decision and Order](#) and [DSM Mid-Term Report](#). Further, the OEB indicated that it expected that submissions from parties should be directed to the best alignment of Enbridge Gas resources and effort available within the existing plan in order to maximize results.

Green Energy Coalition Motion

On April 17, 2020 the Green Energy Coalition (GEC) filed a Notice of Motion (Motion) with the OEB. GEC requested an order from the OEB that requires Enbridge Gas to provide a full and adequate response to two interrogatories submitted by GEC, namely Exhibit I.GEC.1 and Exhibit I.GEC.2. GEC submitted that its requests within the two interrogatories noted above seek detailed data for energy efficiency measures for each program for the 2017, 2018 and 2019 program years, as well as participation levels for non-resource acquisition programs. GEC claimed that this information is required to consider minor changes that are time-sensitive. GEC noted that its request would not needlessly encroach on the broad DSM policy framework discussion or descend into micro-management. GEC contended that without this level of disaggregated data, intervenors and the OEB cannot determine whether changes to Enbridge Gas' DSM plan are appropriate.

The OEB issued Procedural Order No. 2 on April 20, 2020 indicating it would hear the Motion and outlining dates for written submissions.

Submissions from Parties

On April 24, 2020 Enbridge Gas filed its written submission in response to the Motion. Enbridge Gas submitted that its responses to the interrogatories in question were consistent with the scope outlined by the OEB in Procedural Order No. 1 and that GEC's requests should be denied. Enbridge Gas further submitted that GEC's request for the full database of DSM tracking data is inconsistent with the scope of this proceeding.

Enbridge Gas noted that in response to the GEC interrogatories in question, GEC was directed to the response to School Energy Coalition (SEC) interrogatory 12, Attachments 3 and 4. These attachments include 2017 and 2018 budget, expenditure and savings details which have already undergone a full evaluation process. Enbridge Gas also noted that it could provide 2019 program data, in a similar fashion to those provided in response to the SEC interrogatories, if it would be of benefit to the OEB.

Enbridge Gas noted that GEC's request is for every meaningful piece of data at the measure level for every program. Enbridge Gas indicated that it does not have a file that precisely matches GEC's request. Enbridge Gas noted that it provides the OEB's Evaluation Contractor its raw program data, or a "flat file", at the outset of the OEB's annual evaluation process that sets out to independently review and verify program

results. The file provided to the Evaluation Contractor does not include formulas and calculations as characterized by GEC in I.GEC.1. Enbridge Gas indicated that to fully respond to GEC's request would require considerable time, resources and involve thorough review to ensure that customer specific data and commercially sensitive information remain confidentiality.

Enbridge Gas submitted that if GEC is granted the relief requested, further procedural steps will likely be required, potentially including intervenor evidence, interrogatories and reply evidence. Enbridge Gas submitted that this scenario would be out of scope with what was contemplated by the OEB in Procedural Order No. 1.

On April 28, 2020 GEC filed its written reply submissions. GEC noted that Enbridge Gas has not provided the data requested, although it appears readily available. Instead, GEC argued that it appears that Enbridge Gas has misinterpreted the OEB's scope of review for this proceeding. GEC is of the view that the information requested will ensure that Enbridge is held accountable for its activities and the use of significant ratepayer funds. GEC indicated that if the OEB directs Enbridge Gas to provide the data requested that GEC will display, in a transparent fashion, the basis for any such proposals for changes.

Findings

In response to the motion submitted by GEC that requests complete responses to interrogatories I.GEC.1 and I.GEC.2, the OEB finds that there is merit in Enbridge Gas providing some additional, detailed, measure-level data. However, the OEB is mindful of the context of this application. Enbridge Gas seeks approval of a single-year transition DSM plan that is based on the current OEB-approved multi-year plan. The OEB is currently undertaking a comprehensive review of its DSM policy framework which is likely to be followed by a new multi-year DSM plan application that will be subject to extensive analysis and scrutiny. Therefore, considering the volume of data that would need to be compiled to provide a complete set of measure-level data for all programs for the 2017, 2018 and 2019 program years and the potential for meaningful adjustments, the OEB does not find it appropriate to direct Enbridge Gas to submit measure-level data for all programs.

However, in response to GEC's request related to I.GEC.1, Enbridge Gas is directed to provide measure-level data, in the manner provided to the OEB's Evaluation Contractor

(i.e., the “flat file”) for the 2017 and 2018 program years, for two specific programs: the residential home retrofit programs (legacy Enbridge’s Home Energy Conservation program and legacy Union’s Home Reno Rebate program) and the Commercial and Industrial Prescriptive program. Additional information on these programs will help facilitate a focused review that can assist the OEB in ensuring the programs are as effective as possible for the 2021 transition year. Further, a deeper review of the makeup of these two programs will allow greater insight into the use of ratepayer funds for residential, commercial and industrial customers. Enbridge Gas is also directed to provide draft 2019 program results, in the same manner as set out in I.SEC.12, Attachments 1-4.

In response to GEC’s I.GEC.2 request related to participation levels – in each way they may have been tracked – for each non-resource acquisition program, the OEB is of the view that sufficient information is currently on the record. For all other programs, the OEB invites parties to review the interrogatory responses and the OEB’s DSM evaluation Annual Verification Reports. These sources of information, combined with the additional measure-level data for the two programs noted above and the draft 2019 results, will allow parties to critique Enbridge Gas’ request for approval of its 2021 transition-year DSM plan, consistent with the OEB’s stated scope of the proceeding.

The OEB expects that Enbridge Gas will remove all confidential data before filing its updated interrogatory responses consistent with the direction above. However, if Enbridge Gas still has confidentiality concerns, it can request confidential treatment of the new information required. The OEB also expects that any party that incorporates analysis for the additional measure-level data as part of its written submissions will clearly explain how the data was used to support any proposals for changes.

IT IS THEREFORE ORDERED THAT:

1. Enbridge Gas Inc. shall file an updated interrogatory response to Exhibit.I.GEC.1, including detailed measure-level tracking data in the manner provided to the OEB’s Evaluation Contractor for the Home Energy Conservation, Home Reno Rebate and two Commercial & Industrial Prescriptive programs for the 2017 and 2018 program years and deliver to all parties by **May 25, 2020**.
2. Enbridge Gas Inc. shall file draft 2019 program results, in the same manner as Exhibit.I.SEC.12, Attachments 1-4, and deliver to all parties by **May 25, 2020**.

3. Enbridge Gas shall file its written argument-in-chief with the OEB and deliver to all parties by **June 5, 2020**.
4. OEB staff and intervenors that wish to make written submissions shall file those written submissions with the OEB and deliver them to Enbridge Gas Inc. and all intervenors by **June 19, 2020**.
5. Enbridge Gas shall file its written response to the written submissions directed to it with the OEB and deliver the response to all parties by **July 3, 2020**.

All materials filed with the OEB must quote the file number, **EB-2019-0271**, be made in a searchable/unrestricted PDF format and sent electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. 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 boardsec@oeb.ca.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Josh Wasylyk at Josh.Wasylyk@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

NOTE: The OEB is temporarily waiving the paper copy filing requirement until further notice. All communications should be directed to the attention of the Board Secretary and be received no later than 4:45 p.m. on the required date.

DATED at Toronto, May 14, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary