

June 20, 2020

Christine Long
Registrar and Board Secretary
Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Toronto, Ontario
M4P 1E4

Dear Ms. Long

EB-2020-0156 – IGUA – Motion to Review

On May 14, 2020, the Ontario Energy Board (“OEB” or “Board”) released its Decision and Order pursuant to Enbridge Gas Inc.’s (“EGI”) Application for 2020 rates. On June 3, 2020, the Industrial Gas Users Association (“IGUA”) filed a Motion to Review and Vary that part of the Decision and Order which deferred the reallocation of the Panhandle System costs until EGI’s next rebasing in 2024.

We represent the Consumers Council of Canada in this matter. The Council has reviewed the legal arguments presented by the School Energy Coalition (“SEC”) and the Ontario Greenhouse Vegetable Growers (“OGVG”). The Council submits that both SEC and OGVG have presented valid arguments for the OEB to conclude that IGUA has not met the threshold test and the motion should be dismissed without reviewing its merits. IGUA has not demonstrated that the Decision contained an error of fact, an error of law or a change of circumstances, that if corrected would result in the OEB varying its Decision.

If the OEB decides that the threshold test has been met, the Council agrees with SEC that, “The Board did not make its decision based on a misapprehension of the evidence or misapplication of any regulatory principle. It simply exercised its discretion in a way that was unfavourable to IGUA. There was ample evidence on the record to support the outcome the Board reached.”¹ SEC’s submission clearly demonstrates this. Accordingly, IGUA’s motion should be dismissed.

All of which is respectfully submitted.

Yours truly,

Julie E. Girvan

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CC: EGI, Regulatory Affairs

¹ EB-2020-0159 – SEC Submissions dated July 17, 2020, p. 6

All Parties