



Enbridge Gas Inc.

**Application to dispose of balances in certain deferral and variance accounts
related to the delivery of conservation programs in 2017 and 2018**

**PROCEDURAL ORDER NO. 1
September 3, 2020**

Enbridge Gas Inc. (Enbridge Gas) filed an application for the clearance of 2017 and 2018 balances in certain Demand Side Management deferral and variance accounts on July 17, 2020. The OEB assigned file no. EB-2020-0067 to the application.

A Notice of Hearing was issued on August 4, 2020. Each of Building Owners & Managers Association (BOMA), Canadian Manufacturers & Exports (CME), Energy Probe Research Foundation (EP), Federation of Rental-housing Providers of Ontario (FRPO), Green Energy Coalition (GEC), Industrial Gas Users Association (IGUA), London Property Management Association (LPMA), Pollution Probe (PP), and School Energy Coalition (SEC) applied for intervenor status and cost eligibility.

No objection was received from Enbridge Gas.

Intervention Request of GEC

In its letter of intervention GEC provided limited information on its interest in this application and the grounds for its participation. The OEB notes that GEC's letter of intervention provides only a high-level statement about the mandate of its member organizations and states that it "has been an active participant on DSM regulatory matters before the Board. GEC will be an active intervenor in this proceeding should significant issues emerge."

Rule 22.03 of the OEB's *Rules of Practice and Procedure* sets out the information that must be provided by a party that is applying for intervenor status and Rule 22.02 provides that the party applying for status must satisfy the OEB that it has a "substantial interest" in the proceeding.

Given the limited information in GEC's letter of intervention, the OEB is unable to assess if GEC has a "substantial interest" in this proceeding. Further, the OEB assesses intervention requests on a case by case basis. Therefore, the fact that GEC

has participated in other DSM proceedings is instructive, but it does not create a precedent for having a substantial interest in this DSM application.

For the above reasons GEC's intervention request is denied.

Intervention Request of Pollution Probe

In its letter of intervention Pollution Probe states that it "intends to focus on the basis and appropriateness of the DSM Deferral and Variance amounts proposed to be cleared".

Given that the 2017 and 2018 program years represent the third and fourth year under the OEB's DSM Framework and that the account balances that are proposed for disposition have been reviewed as part of the OEB-coordinated evaluation, measurement and verification process, the OEB considers its review of this application to be a fairly mechanistic process. In that context, Pollution Probe's interest which appears to be focused on verifying the account balances will be of limited assistance to the OEB. The OEB also notes that it has granted intervenor status to seven parties and believes that the intervenors along with OEB staff will be able to adequately verify account balances and address any other issues pertaining to consistency with the DSM Framework and the Verification Reports.

For the above reasons Pollution Probe's intervention request is denied.

BOMA, CME, EP, FRPO, IGUA, LPMA, and SEC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. BOMA, CME, EP, FRPO, IGUA, LPMA and SEC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

Cost eligible intervenors are expected to coordinate their participation with each other to every extent possible and to focus their participation on material issues. Cost eligible intervenors should also be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already

filed, by written interrogatories filed with the OEB and served on Enbridge Gas and all other parties by **September 17, 2020**.

2. Enbridge Gas shall file with the OEB complete written responses to the interrogatories and serve them on all intervenors by **October 7, 2020**.
3. Any written submissions by OEB staff and intervenors shall be filed with the OEB and served on all other parties by **October 28, 2020**.
4. Enbridge Gas may file a written reply submission with the OEB and serve it on intervenors by **November 12, 2020**.

All materials filed with the OEB must quote the file number, **EB-2020-0067**, and be submitted in a searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail 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.

All communications should be directed to the attention of the Registrar 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, Alexander Di Ilio at alexander.diilio@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **September 3, 2020**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar and Board Secretary

SCHEDULE A

PROCEDURAL ORDER NO. 1

ENBRIDGE GAS INC.

EB-2020-0067

APPLICANT & LIST OF INTERVENORS

DATED: September 3, 2020

**Enbridge Gas Inc.
EB-2020-0067
2017-2018 DSM DVA**

APPLICANT & LIST OF INTERVENORS

September 3, 2020

APPLICANT

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**Enbridge Gas Inc.
EB-2020-0067
2017-2018 DSM DVA**

APPLICANT & LIST OF INTERVENORS

September 3, 2020

I INTERVENORS

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Managers Association,**

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**Enbridge Gas Inc.
EB-2020-0067
2017-2018 DSM DVA**

APPLICANT & LIST OF INTERVENORS

September 3, 2020

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**Enbridge Gas Inc.
EB-2020-0067
2017-2018 DSM DVA**

APPLICANT & LIST OF INTERVENORS

September 3, 2020

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EB-2020-0067
2017-2018 DSM DVA**

APPLICANT & LIST OF INTERVENORS

September 3, 2020

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Association**

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2017-2018 DSM DVA**

APPLICANT & LIST OF INTERVENORS

September 3, 2020

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