

**Enbridge Gas Inc.**

**Application for 2019 Earnings Sharing and Disposition  
of Deferral & Variance Account Balances**

**PROCEDURAL ORDER NO. 1  
October 21, 2020**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on September 3, 2020 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order approving the disposition of balances in certain deferral and variance accounts and the sharing of earnings, if any, pursuant to a previously approved<sup>1</sup> earnings sharing mechanism.

If the application is approved as-filed, Enbridge Gas estimates that a typical residential customer in the EGD Rate Zone will pay a one-time charge of \$0.74 in January 2021 and a residential customer in the Union South Rate Zone will pay a total charge of \$4.97 collected over three months, beginning January 2021. Residential customers in the Union North West Rate Zone and the Union North East Rate Zone, will receive a credit of \$61.53 and \$5.94 respectively, over three months, beginning January 2021.

A Notice of Hearing was issued on September 18, 2020.

Each of the following applied for intervenor status:

- Building Owners and Managers Association (BOMA)
- City of Kitchener (Kitchener)
- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Federation of Rental-housing Providers of Ontario (FRPO)

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<sup>1</sup> EB-2017-0306 / 0307 Decision and Order August 30, 2018, application by Enbridge Gas Distribution Inc. and Union Gas Limited to amalgamate under the OEB's policy on mergers, acquisition, amalgamation and divestiture (MAADs Decision).

- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Ontario Greenhouse Vegetable Growers (OGVG)
- Pollution Probe
- School Energy Coalition (SEC)
- Six Nations Natural Gas Company Limited (SNNG)

BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, Pollution Probe and SEC also applied for cost eligibility.

No objection was received from Enbridge Gas.

The intervention request of Pollution Probe is denied. In its letter of intervention, Pollution Probe states that it intends to “focus on the content of the 2019 Deferral and Variance Accounts and basis for the requested clearance.” With respect to its interest in this proceeding, Pollution Probe states that, “There are a large number of accounts put forward for clearance and these accounts include amounts where Pollution Probe has a direct consumer and policy perspective aligned with the Board’s mandate in the proceeding.”

The OEB has reviewed Pollution Probe’s annual filing with the OEB dated, September 15, 2020, which states that Pollution Probe’s “Mandate and Objectives” are the following: “Pollution Probe is a national charitable organization based in Toronto that exists to improve the health and well-being of Canadians by advancing policy that achieves positive, tangible outcomes in favour of consumers and the environment. Pollution Probe represents its stakeholders and the public at large on energy, environmental, community/regional planning, public health, transportation and other related issues.”

The focus of this proceeding is primarily on issues related to the disposition of deferral and variance accounts and earnings sharing. This proceeding is not expected to involve consideration of broad “environmental, community/regional planning, public health, transportation” issues, which are Pollution Probe’s area’s of interest. Therefore based on the information in Pollution Probe’s intervention letter and its annual filing and given the narrow scope of this proceeding, the OEB is not satisfied that Pollution Probe has a “substantial interest” in this proceeding, within the meaning of Rule 22.02 of the OEB’s *Rules of Practice and Procedure*.

BOMA, Kitchener, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, SEC and SNNG are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, and SEC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#) and in respect of only those accounts and issues for which the OEB indicated it would allow costs in its Notice of Hearing.

Cost eligible intervenors should 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.

At this time, provision is being made for written interrogatories. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

In its letter of intervention, FRPO stated that given the complexity of the evidence, the OEB should consider holding a technical conference and direct Enbridge Gas to file supplementary evidence relating to "EGI Utility Income (Ref: Ex. B, Tab 2, Schedule 2) and the schedules referenced in that specific schedule broken into the tables for each legacy utility company ideally in a similar format to their filings in the last few years."

FRPO's request for the filing of supplementary evidence at this early stage in the proceeding is denied. FRPO may ask for the information in its interrogatories and is advised to review the application carefully and only request information that is material and relevant to the proceeding. With respect to the request to hold a technical conference, the OEB Panel will consider whether additional procedural steps are necessary after interrogatory responses are filed. At this time, it is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

#### **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 all parties by **November 6, 2020.**

2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **November 27, 2020**.
3. A settlement conference among the parties and OEB staff will be convened on **December 3, 2020**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **December 4 and December 7, 2020**. The settlement conference will be held virtually and information on how to participate will be communicated to parties at a later date.
4. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **January 5, 2021**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
5. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **January 15, 2021**.
6. If there is no settlement proposal arising from the settlement conference, Enbridge Gas shall file a statement to that effect with the OEB by **December 18, 2020**. In that event, parties shall file and serve on the other parties by **January 8, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

All materials filed with the OEB must quote the file number, **EB-2020-0134**, 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 [registrar@oeb.ca](mailto:registrar@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, Khalil Viraney at [Khalil.Viraney@oeb.ca](mailto:Khalil.Viraney@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)  
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**DATED** at Toronto, **October 21, 2020**

**ONTARIO ENERGY BOARD**

**By delegation, before: Christine E. Long**

*Original Signed By*

Christine E. Long  
Registrar

**Schedule A**

**Procedural Order No. 1**

**Enbridge Gas Inc.**

**EB-2020-0134**

**Applicant and List of Intervenors**

**October 21, 2020**

**Enbridge Gas Inc.**

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**EB-2020-0134**

**APPLICANT & LIST OF INTERVENORS**

**October 21, 2020**

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**APPLICANT**

**Rep. and Address for Service**

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**INTERVENORS**

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**Canadian Manufacturers &  
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**Industrial Gas Users  
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**Ontario Greenhouse  
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**The Corporation of the City  
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