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BY RESS, EMAIL AND COURIER

Ms. Christine Long
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Enbridge Gas Inc.
Ontario Energy Board File No.: EB-2020-0091
Integrated Resource Planning Proposal – Interrogatory Process**

Background

Enbridge Gas Inc. (“Enbridge Gas”) is in receipt of a letter filed with the Ontario Energy Board (“OEB” or “Board”) by Mr. David Poch on behalf of the Green Energy Coalition (“GEC”) and Environmental Defence (“ED”) on October 20, 2020, requesting an exceptional and preferential opportunity to pose interrogatories to and to receive responses from Enbridge Gas prior to the completion of GEC and ED’s expert evidence which is due to be filed with the OEB by November 19, 2020. GEC/ED assert that their expert, Mr. Chris Neme, requires access to additional information in order to complete their evidence. The basis for GEC/ED’s request is to promote fairness in light of an asymmetry of data and information. GEC/ED make a single high-level reference to results of a geographically specific Integrated Resource Planning (“IRP”) case study conducted by Enbridge Gas in 2017/18 as an example of the type of additional information that GEC/ED assert is required to complete their evidence.

Enbridge Gas opposes GEC/ED’s request for the following two (2) reasons:

1. This Request Appears to Contradict the Evidence Proposed by GEC/ED –

In its Procedural Order No. 3 (“PO No. 3”) dated July 31, 2020, the OEB ordered that parties that intend to file evidence should first file a letter with the Board by August 5, 2020 describing the nature of their proposed evidence. Accordingly, on August 5, Mr. Poch filed a letter on behalf of GEC/ED with the Board detailing the nature of evidence that they intended to jointly commission. GEC/ED’s letter explains how their proposed evidence would complement the evidence of OEB Staff by drawing from IRP lessons learned in the electricity sector and in the gas sector in jurisdictions other than New York. GEC/ED’s letter went on to elaborate on the areas of focus for its proposed evidence in an attached Schedule A.

Critically, nowhere within GEC/ED's letter do they make mention of: (i) concerns about asymmetry of information; (ii) responding to Enbridge Gas's evidence, including the IRP case study referenced in their letter of October 20; or (iii) that they will require an exceptional and preferential opportunity to pose interrogatories to Enbridge Gas in advance of filing their expert evidence.

Further, the IRP case study referenced by GEC/ED is likely of limited value to the Board in establishing an IRP policy framework for Enbridge Gas as such geographically specific information is more relevant to the development of specific IRP alternatives ("IRPAs") to resolve an identified system capacity constraint/need.

GEC/ED's new request for early discovery (which would have to be completed in very short order because it is not made until less than a month before the intervenor evidence deadline) changes the process from what the Board has prescribed in its Procedural Orders and should not be permitted.

For reasons of fairness, if GEC/ED are permitted to ask interrogatories in advance of their evidence, then Enbridge Gas will seek a similar opportunity to ask interrogatories of GEC/ED and OEB Staff in advance of filing responding evidence (currently due on December 11th). Presumably, the Board would prefer to avoid these extra procedural steps.

2. The OEB has Determined that Discovery Should Follow the Filing of Evidence –

In its PO No. 4, the OEB considered a similar request made by the Federation of Rental-housing Providers of Ontario ("FRPO") for guidance from the OEB as to the timing of interrogatories to Enbridge Gas. FRPO had requested the opportunity to ask interrogatories of Enbridge Gas before filing its own intervenor evidence. In response, the OEB found that,

...the OEB does not intend to provide an opportunity for discovery prior to filing of evidence. All parties will be granted an opportunity for discovery following initial filing of evidence and Enbridge Gas' responding evidence.

The OEB went on in PO No. 4 to set out a procedural timeline including deadlines for the filing of all evidence in the proceeding.

GEC/ED's request, set out in its letter of October 20, for exceptional and preferential discovery ignores the Board's previous finding in this regard and should be similarly denied.

If you have any questions, please contact the undersigned.

Sincerely,

Adam Stiers
Technical Manager, Regulatory Applications

c.c.: D. Stevens (Aird & Berlis)
M. Parkes (OEB Staff)
M. Millar (OEB Counsel)
EB-2020-0091 (Intervenors)