



By EMAIL and RESS

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Our File: EB20200181

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0181 – Enbridge 2021 ICM

We are counsel to the School Energy Coalition ("SEC"). We have had the opportunity to review a draft of the letter to the Board dated today from FRPO requesting that the Board order a technical conference in this proceeding. We support that request, and we understand other intervenors representing customers also support the need for better discovery.

FRPO has raised specific gaps in the record that it wishes to address in a technical conference. SEC shares those concerns, but notes that we also have additional and broader concerns with Enbridge's approach to its interrogatory responses.

Consistently throughout the interrogatory responses, Enbridge appears to have responded from the perspective that only the three ICM projects are in scope in this proceeding, and that all issues of purpose and need and prudence for those projects have to be dealt with in the LTC proceedings. That leaves only their incrementality (i.e. the extent to which the projects are incremental to necessary capital spending) and the mechanics of the rate riders to be dealt with in this proceeding, but the Applicant has provided limited responses on questions relating to the Asset Management Plan and Utility System Plan.

SEC is particularly concerned with the narrow responses to questions relating to the downward pressure on load and demand due to evolving public policy and the increasing price of carbon. Based on the limited record to date, it would appear that Enbridge has not considered in any way the potential that high spending levels now will result in stranded assets in the future [see, e.g. 1, SEC.6 (a)-(c) and 1.PP.8(f), but these are just a few examples out of many]. SEC notes that just yesterday former U.S. Vice-President John Kerry, the new American Special Envoy for Climate, stated that capital spending on natural gas today runs a high risk of being stranded assets 10-30 years from now.



Thus, SEC would like in a technical conference to ask for additional information on the underlying approach taken by Enbridge in developing the Utility System Plan. Since the USP was required by the Board in order to provide a foundation for any ICM applications, SEC believes that more complete information on the USP will be of significant value for the Board in considering this Application.

SEC understands that we could have filed a motion seeking more complete answers to the dozens of interrogatories (by SEC, PP, ED and others) dealing with the USP and the projects within it. There is certainly a time and place for such a motion, despite the delay and cost that it could generate. However, SEC concluded that in this particular proceeding the more efficient and more effective approach would be a technical conference, so that the issues could be explored dynamically, and clearer explanations emerge.

It is of course possible that Enbridge witnesses could simply stonewall questions at a technical conference, but that is always a risk with any method of discovery. We do not believe that will happen here. If the Board orders a technical conference, and questions about the USP are in scope in that technical conference, we believe Enbridge will provide much more complete information on the USP and the projects within it.

SEC estimates that a technical conference can be done virtually in no more than two days, and perhaps as little as one day if the Enbridge witnesses are as co-operative and forthcoming as we think they will be.

Finally, we note that, while this Application is focused on three projects, it is seeking an order for recovery in rates of more than \$170 million of capital spending. Further, it is part of a plan by the utility to seek approval of similar amounts of spending next year and the year after. In SEC's view, adding \$400-500 million of incremental capital spending to rates over three years, over and above a billion dollars a year of base capital spending, is sufficiently impactful that a Board order requiring fuller discovery is warranted.

All of which is respectfully submitted.

Yours very truly,
Shepherd Rubenstein Professional Corporation

A handwritten signature in dark ink, appearing to read 'Jay Shepherd', written over a light blue horizontal line.

Jay Shepherd

cc: Wayne McNally, SEC (by email)
Interested Parties (by email)