

# Elson Advocacy

May 27, 2021

**Ms. Christine Long**

Registrar

Ontario Energy Board

2300 Yonge Street, 27th Floor

Toronto, Ontario

M4P 1E4

Dear Ms. Long:

**Re: Enbridge 2022 to 2027 Demand Side Management (“DSM”) Plan  
EB-2021-0002**

I am writing to provide details on evidence that Environmental Defence and the Green Energy Coalition wish to jointly submit on the preliminary ruling that Enbridge is seeking on the appropriate level of investment in DSM. Enbridge is asking the Board to decide this preliminary issue on an expedited basis by July 30, 2021. We believe the Board would greatly benefit from evidence prepared by Chris Neme of the Energy Futures Group on this topic.

In particular, we propose to ask Mr. Neme to prepare high-level evidence regarding Enbridge’s proposed DSM investment levels with a focus on the following considerations:

- Energy bill impacts;
- Non-participant rate impacts;
- Investment levels in leading jurisdictions;
- Government targets; and
- The DSM potential study.

Mr. Neme is a leading expert in DSM generally and the Ontario DSM context. Over the past three decades, Mr. Neme has worked for energy regulators, utilities, government agencies and other organizations in more than 30 states, 7 Canadian provinces and several European countries. He has defended expert witness testimony in approximately 60 cases before regulatory commissions in 13 different jurisdictions. He has also testified before several state legislatures. Mr. Neme served on the Enbridge and Union DSM audit committees since their inception around 20 years ago. He has earned broad respect and trust from the Ontario regulatory community and has been elected to the DSM audit committees by other intervenors. He is currently serving on the OEB’s DSM evaluation committee and has provided expert testimony in numerous OEB DSM cases. Mr. Neme’s CV is attached.

Mr. Neme's evidence could be submitted without delaying a decision on Enbridge's request for a preliminary ruling on DSM investment levels. Mr. Neme could submit the evidence within four weeks of a deadline being set by the OEB in a procedural order. If the OEB were to establish a procedural schedule next week, this could mean Mr. Neme's evidence is submitted by the end of June. His evidence on these preliminary determinations could then be reviewed in the same expedited manner that the Board decides is suitable for the company's. Mr. Neme estimates fees of between \$25,000 and \$35,000 to prepare the report described above.<sup>1</sup> As usual, cost recovery will be sought in accordance with the OEB's *Practice Direction on Cost Awards* and in full compliance therewith.

The OEB and stakeholders would greatly benefit from the proposed evidence. The overall level of investment in DSM is an extremely important issue. More evidence and an additional perspective is required before making a decision on an issue of that magnitude. This evidence will also help to facilitate the kind of expedited decision-making that Enbridge is seeking. Without this evidence, we submit that the record would be insufficient to support a ruling by the Board as Enbridge has sought. We believe that provision of this report will be a reasonable alternative to more time-consuming steps that would be required prior to the preliminary ruling sought by Enbridge to ensure that sufficient evidence is available to the OEB, such as detailed interrogatories, a technical conference, and an oral hearing.

We have provided this letter very early in the process to allow the OEB to consider it when preparing the first procedural order and in light of the tight timelines sought by Enbridge. Please let us know if anything further is required.

Yours truly,



Kent Elson

cc: Enbridge Gas and the parties referenced in the OEB's letter of direction (i.e. those in the 2021 Demand Side Management (DSM) Plan proceeding (EB-2019-0271), the post-2020 DSM framework policy consultation (EB-2019-0003), and in the combined 2015-2020 DSM Plan proceeding (EB-2015-0029/0049))

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<sup>1</sup> This estimate pertains to the report and not subsequent steps as it is unclear at this stage what subsequent steps will involve Mr. Neme, if any.