



Enbridge Gas Inc.

**Application for the Disposition of Deferral and Variance
Account Balances and Review of 2020 Utility Earnings**

PROCEDURAL ORDER NO. 1

July 16, 2021

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on June 4, 2021, 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 any earnings based on a previously approved earnings sharing mechanism.

A Notice of Hearing was issued on June 22, 2021.

The following parties applied for intervenor status:

- Building Owners and Managers Association (BOMA)
- Canadian Manufacturers and Exporters (CME)
- City of Kitchener (Kitchener)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Ontario Greenhouse Vegetable Growers (OGVG)
- School Energy Coalition (SEC)
- Six Nations Natural Gas (SNNG)
- Vulnerable Energy Consumers Coalition (VECC)

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

No objection was received from Enbridge Gas.

BOMA, CME, CCC, Kitchener, Energy Probe, FRPO, IGUA, LPMA, OGVG, SEC, SNNG and VECC 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, SEC and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#) and only in respect of the accounts and issues identified in the OEB's Notice of Hearing.

Parties should focus their participation on material issues and coordinate their participation on common issues to avoid duplication. In making its decision on cost awards, the OEB will consider whether cost eligible intervenors made reasonable efforts to focus their participation on material issues and avoid duplication.

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.

Confidentiality

By letter dated June 4, 2021, Enbridge Gas requested confidential treatment for the entire Storage RFP Summary at Exhibit D, Tab 1, Schedule 6.

At this time, the OEB is making provision for submissions on Enbridge Gas's request for confidentiality. Counsel and consultants for intervenors that wish to make submissions on the request for confidentiality regarding the information in Exhibit D, Tab 1, Schedule 6, shall be granted access to the un-redacted document provided they have executed the OEB's [Declaration and Undertaking](#). The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Enbridge Gas. If Enbridge Gas objects to a Declaration and Undertaking, the objection shall be filed with the OEB and copied to the relevant party within 5 days from the receipt of the Declaration and Undertaking. The relevant party shall file its reply, if any, with the OEB and deliver a copy to Enbridge Gas, within 5 days from the receipt of the objection.

Interrogatories

The OEB is making provision for written interrogatories. 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.

Settlement Conference

The OEB is making provision for a settlement conference. Following the settlement conference, the OEB is making provision for the filing of letters informing the OEB of the status of the settlement discussions and the filing of a settlement proposal by Enbridge Gas, if any.

In its letter of intervention FRPO recommended the OEB consider scheduling a technical conference. The OEB will consider what additional procedural steps, if any, are required after interrogatory responses are filed. At this time the OEB is making provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. Counsel and consultants for intervenors that wish to make submissions on Enbridge Gas's request for confidentiality, shall be granted access to the un-redacted documents provided they have executed the OEB's Declaration and Undertaking. The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Enbridge Gas. If Enbridge Gas objects to a Declaration and Undertaking, the objection shall be filed with the OEB and copied to the relevant party within 5 days from the receipt of the Declaration and Undertaking. The relevant party shall file its reply, if any, with the OEB and deliver a copy to Enbridge Gas, within 5 days from the receipt of the objection.
2. OEB staff and intervenors wishing to make submissions on Enbridge Gas's confidentiality request shall file their written submissions with the OEB and serve them on Enbridge Gas and all intervenors, by **July 26, 2021**.
3. If Enbridge Gas wishes to respond to the submissions of OEB staff and intervenors, it shall file its written reply submission with the OEB and serve it on all intervenors by **August 4, 2021**.
4. 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 **August 16, 2021**.
5. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **September 8, 2021**.
6. A settlement conference among the parties and OEB staff will be convened on **September 13, 2021**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **September 14, 2021**. This will be a virtual event and information on how to participate will be provided at a later date.

7. **Within 48 hours** of the conclusion of the settlement conference, Enbridge Gas shall file a letter informing the OEB of the status of the settlement discussions including whether a tentative agreement had been reached or if the parties propose to continue settlement discussions.
8. If there is no settlement proposal arising from the settlement conference, Enbridge Gas shall file a statement to that effect with the OEB by **September 22, 2021**. In that event, parties shall file and serve on the other parties by **September 27, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
9. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **October 4, 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.
10. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **October 14, 2021**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2021-0149** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 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 and Michael Millar at Michael.Millar@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **July 16, 2021**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

**Enbridge Gas Inc.
EB-2021-0149**

APPLICANT & LIST OF INTERVENORS

July 16, 2021

APPLICANT

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INTERVENORS

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Building Owners and

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July 16, 2021

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APPLICANT & LIST OF INTERVENORS

July 16, 2021

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APPLICANT & LIST OF INTERVENORS

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July 16, 2021

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