



**Enbridge Gas Inc.**

**Application for natural gas distribution rates and other  
charges effective January 1, 2022**

**PROCEDURAL ORDER NO. 1**

**August 9, 2021**

On January 1, 2019, Enbridge Gas Distribution Inc. (EGD) and Union Gas Limited (Union Gas) amalgamated to form Enbridge Gas Inc. (Enbridge Gas). Enbridge Gas filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) on June 30, 2021, under section 36 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B) seeking approval for changes to its natural gas distribution rates to be effective January 1, 2022.

In its cover letter, Enbridge Gas requested that the OEB adjudicate this application in a bifurcated manner, with 2 Phases, similar to the 2021 rate proceeding. As such, Enbridge Gas has filed supporting evidence only in relation to the IRM application, referred to as Phase 1, which includes the annual rate escalation, pass through-costs, capital pass-through adjustments and Parkway Delivery Obligation rate adjustments. Enbridge Gas has requested that the OEB determine the IRM application by November 25, 2021, so that the rates can be implemented on an interim basis in conjunction with the January 1, 2022, QRAM application.

Enbridge Gas has advised that it will file the evidence in relation to the request for incremental capital module (ICM) funding, which will include an Addendum to the Asset Management Plan and a progress report on the implementation of Unaccounted for Gas Report's recommendation with the OEB in October 2021.

The OEB issued a letter on July 14, 2021, advising it will commence its review of the Phase 1 (IRM) application at this time.

A Notice of Hearing for Phase 1 was issued on July 16, 2021. The last date for filing interventions was August 5, 2021. Each of the following applied for intervenor status:

- Building Owners and Managers Association (BOMA)
- City of Kitchener (Kitchener)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)

- Environmental Defence
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Pollution Probe
- School Energy Coalition (SEC)
- Six Nations Natural Gas (SNNG)
- TransCanada PipeLines Limited (TCPL)
- Ontario Association of Physical Plant Administrators (OAPPA)
- Ontario Greenhouse Vegetable Growers (OGVG)
- Vulnerable Energy Consumers Coalition (VECC)

BOMA, CCC, Energy Probe, Environmental Defence, FRPO, IGUA, LPMA, Pollution Probe, SEC, OAPPA, OGVG, and VECC also applied for cost eligibility.

No objection was received from Enbridge Gas.

Each of the parties that applied for intervenor status are approved as intervenors for this proceeding. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. BOMA, CCC, Energy Probe, Environmental Defence, FRPO, IGUA, LPMA, Pollution Probe, SEC, OAPPA, OGVG and VECC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

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.

This is an IRM proceeding that will predominantly consider pass-through costs. The request for ICM funding, which includes an Addendum to the Asset Management Plan and a Progress Report on Implementation of the Recommendations as set out in the Unaccounted for Gas Report, will be heard in a separate application.

Fifteen intervenors have applied for intervenor status in this proceeding, which will predominantly consider pass-through costs and an IRM adjustment. The expectation is that parties will tailor their participation to match the complexity of the issues the OEB will consider in this proceeding. In addition, intervenors are expected to coordinate their participation on common issues. In making its decision on costs awards the OEB will consider whether cost eligible intervenors made reasonable efforts to focus their participation on material issues and coordinate their participation on common issues. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a 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.

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 **August 18, 2021**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **September 7, 2021**.
3. A settlement conference among the parties and OEB staff will be convened on **September 10, 2021**, starting at 9:30 a.m. This will be a virtual event and information on how to participate will be provided in advance of the conference.
4. **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 intend to continue settlement discussions.
5. 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 20, 2021**. In that event, parties shall file and serve on the other parties by **September 24, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
6. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **September 27, 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.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **October 6, 2021**.

8. The OEB is setting a tentative date of **October 13, 2021, from 9:30 a.m. to 5:00 p.m.** for Enbridge Gas to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. This will be a virtual event and OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

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-2021-0147** 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](mailto: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, Petar Prazic, Project Advisor, at [Petar.Prazic@oeb.ca](mailto:Petar.Prazic@oeb.ca) and OEB Counsel, Ian Richler at [Ian.Richler@oeb.ca](mailto:Ian.Richler@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **August 9, 2021**

**ONTARIO ENERGY BOARD**

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

*Original signed by*

Christine E. Long  
Registrar

**SCHEDULE A**  
**ENBRIDGE GAS DISTRIBUTION INC.**  
**INTERVENOR LIST**  
**EB-2021-0147**  
**AUGUST 9, 2021**

**Enbridge Gas Inc.  
EB-2021-0147**

**APPLICANT & LIST OF INTERVENORS**

**August 9, 2021**

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**APPLICANT**

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