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BY EMAIL

August 13, 2021

Mr. Jim McIntosh
Ontario Petroleum Institute Inc.
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London, ON
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Dear Mr. McIntosh:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Application for 2022 Rates (Phase 1)
OEB File Number: EB-2021-0147**

This letter is in response to your letter dated August 9, 2021, on behalf of the Ontario Petroleum Institute Inc. (OPI), requesting intervenor status and cost eligibility in the above proceeding. The deadline for applying for intervenor status and cost eligibility was August 5, 2021. OPI's intervention request was delayed because it was mistakenly submitted in Enbridge Gas's disposition of deferral and variance accounts proceeding, EB-2021-0149. OPI corrected its error and re-filed the letter of intervention in this proceeding on August 9, 2021.

In its letter of intervention OPI states that it is a "non-profit industry association which represents explorationists, producers, contractors, geologists, petroleum engineers and other professionals, individuals or companies directly related to the oil and gas, hydrocarbon storage and solution-mining industries of Ontario."

OPI states that "the fundamental objectives of the Institute are:

- to encourage responsible exploration of the oil, gas, hydrocarbon storage and solution mining industries of Ontario
- to maintain close liaison with government agencies which regulate the industry
- to disseminate information relevant to member needs

- to promote the legislative goals of the membership
- to inform and educate the general public on the significance of the industry to the province of Ontario”

OPI also states that its members are Rate M13 customers of EGI and interested in “all issues that affect rates and services available to them.”

No objection was received from Enbridge Gas Inc.

The OEB is satisfied that OPI has a substantial interest in this proceeding noting that some OPI members are Rate M13 customers of Enbridge Gas. However, the OEB remains concerned that the scope of OPI’s interest is overly broad for this IRM proceeding and was not contemplated when the schedule for this proceeding was developed. IRM proceedings by design are a mechanistic process, where applicants are required to file limited information and the review is largely limited to verifying calculations and methodologies. Consistent with that approach Enbridge Gas has filed a mechanistic application and is not proposing any material changes to the M13 rate class and services. OPI must tailor its participation in keeping with the mechanistic nature of this IRM application and the scope of this IRM proceeding. The OEB is also cognizant that OPI is the sixteenth intervenor in a largely mechanistic proceeding. Accordingly, the OEB requires that OPI coordinate its participation with other intervenors to avoid duplication on common issues.

OPI’s request for cost eligibility is denied. OPI submits it is eligible for costs under section 3.03 of the OEB’s Practice Direction on Cost Awards (Practice Direction). In the OEB’s view, OPI has sufficient resources to fund its participation in this proceeding. The OEB is also of the view that many of OPI members on their own may not be eligible for costs.

The Practice Direction provides that in making a determination on a request for cost award eligibility from an organization such as the OPI, the OEB may consider the following: Section 3.04(b) of the OEB’s Practice Direction on Cost Awards states that in the case of a party that is an association or other form of organization comprised of two or more members, have regard to whether the individual members would themselves be eligible or ineligible. OPI’s website provides the OPI member directory which comprises an extensive list of producers, utilities, consultants, legal and financial service companies, oil field service providers and drilling contractors. As such, the OEB is of the view that many of OPI’s members, such as utilities and government agencies would themselves be ineligible for cost awards.

Section 3.04(d) provides that in making its decision on cost award eligibility the OEB may also consider any other factor relevant to the public interest. In that regard, the OEB notes that OPI has intervened in a number of OEB rate hearings in the past six years and that this is the first time that OPI has applied for cost award eligibility. The OEB notes that OPI was recently granted cost eligibility in the OEB's Consultation to Review Natural Gas Supply Plans, EB-2019-0137, however, the OEB is not convinced that OPI requires funding support for participating in this IRM proceeding. The OPI's financial statements for the period 2016-2018 that are available on its website suggest that OPI has the necessary resources to fund its participation, especially in a proceeding such as this IRM proceeding, which is expected to be mechanistic in nature.

Yours truly,

Original Signed By

Christine E. Long
Registrar

c. All parties in EB-2021-0147