



By EMAIL and RESS

Jay Shepherd
jay@shepherdrubenstein.com
Dir. 416-804-2767

September 16, 2021
Our File: EB20200091

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0091 – Enbridge IRP – Objection to SEC Cost Claim

We are counsel to the School Energy Coalition (“SEC”). In accordance with the Board’s July 22nd Decision and Order in this matter, we provide our responses to the cost claim objections of Enbridge filed September 9, 2021.

The primary complaint that Enbridge appears to emphasize is expressed as follows: “it is exceptional that SEC would claim almost twice the average hours spent by other intervenors on interrogatories in order to avoid filing any of its own”. This statement by Enbridge is (unintentionally) misleading. SEC did not claim any hours “to avoid filing” interrogatories. SEC’s only claim for interrogatories is our review of the responses. Our claim for preparation was zero.

Throughout this process, SEC was conscious that there were many parties involved. While IRP has been a very important issue for schools for some years (as seen by our past participation in LTC and other proceedings on this very issue), we realized that many other parties would be reviewing the evidence and asking interrogatories. Therefore, while we still had to review the prefiled evidence for other purposes (issues list, presentation day, technical conference, and oral hearing, not to mention argument), we deliberately relied on the questions from other parties as being sufficient for written discovery. Our focus was more on the oral discovery, both at the technical conference and in the oral hearing.



Enbridge also has as their theme the “big four” cost claims: GEC, FRPO, PP, and SEC. This is a kind of “tall poppies” approach to cost claims. That is, anyone whose cost claim is above the average is prima facie claiming too much.

The Board has long taken a somewhat different approach, assessing whether the differences in cost claims are reflective of the involvement by the respective intervenors in the proceeding, and the contribution they made to the process. That contribution can be through asking a lot of good interrogatories, or effective technical conference and cross-examination questions, or a comprehensive and thoughtful argument, or any of a number of other ways. Most important, it is usually about whether the intervenor spent the extra time they are claiming bringing a valuable perspective to the Board.

This was a seminal case, and may well form the basis for a new trajectory of gas distribution planning over the next decade or more. SEC’s focus was on planning (as in integrated resource “planning”), and on stranded assets.

Our objective was to push the Commissioners in the direction of a longer term focus for IRP. While we knew the Commissioners didn’t need our help to see IRP as a long term issue, raising questions such as the demand planning assumptions used by Enbridge (\$50 carbon, for example), and how they drive capital spending, and such as the importance of rigorously assessing stranded asset risk, was designed to provide more balance in the evidence before the Board between a) what are the specific procedures to use today, and b) what are the long term scenarios that integrated resource planning has to take into account. We hope that we were successful in doing that.

SEC submits that our participation was thoughtful and careful, designed to be efficient yet bring a perspective that would be useful to the Board, and ultimately providing value that was commensurate with the time spent and costs incurred. SEC has a long history of testing its own participation in OEB proceedings against the value it is providing to the process, and believes that in this case, as in the past, SEC delivered appropriate value relative to the size and nature of the cost claim.

All of which is respectfully submitted.

Yours very truly,

Shepherd Rubenstein Professional Corporation

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

Jay Shepherd

cc: Ted Doherty, SEC (by email)
Interested Parties (by email)