



Enbridge Gas Inc.

**Application for the Disposition of Deferral and Variance
Account Balances and Review of 2021 Utility Earnings**

PROCEDURAL ORDER NO. 1

July 18, 2022

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on May 31, 2022, 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 earnings, if any, pursuant to a previously approved earnings sharing mechanism.

A Notice of Hearing was issued on June 22, 2022.

The following parties applied for intervenor status:

- Consumers Council of Canada (CCC)
- Canadian Manufacturers & Exporters (CME)
- City of Kitchener (Kitchener)
- 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 Company Limited (SNNG)
- TransCanada Pipelines Limited (TCPL)

CCC, CME, FRPO, IGUA, LPMA, OGVG, and SEC, also applied for cost eligibility.

No objection was received from Enbridge Gas.

CCC, CME, FRPO, Kitchener, IGUA, LPMA, OGVG, SEC, SNNG, and TCPL are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. CCC, CME, FRPO, IGUA, LPMA, OGVG and SEC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#) and only in relation to the issues noted 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 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.

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.

Confidentiality

By letter dated May 31, 2022, Enbridge Gas requested confidential treatment of the Storage RFP Summary at Exhibit D, Tab 1, Schedule 6.

In accordance with the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction), Enbridge Gas has filed a redacted copy of the document. An unredacted copy of the document was filed separately in confidence.

Enbridge Gas claims the document contains vendor responses for third party storage information including terms, pricing and injection and withdrawal offers and is consistent with the type of information that is treated as presumptively confidential by the OEB.

Parties that wish to object to the confidentiality request should refer to section 4 of the Practice Direction and follow the timelines and process in sections 5.1.6 and 5.1.7 of the Practice Direction.

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.

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 9, 2022**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **August 30, 2022**.
3. A settlement conference among the parties and OEB staff will be convened on **September 8, 2022**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **September 9, 2022**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
4. Enbridge Gas shall file a letter by **September 12, 2022**, 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 the 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 15, 2022**. In that event, parties shall file and serve on the other parties by **September 21, 2022**, 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 30, 2022**. 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 7, 2022**.

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-2022-0110** 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 [File documents online 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.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

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 at Petar.Prazic@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **July 18, 2022**

ONTARIO ENERGY BOARD

By delegation, before: Rudra Mukerji

Rudra Mukherji
Manager, Adjudicative Process

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
ENBRIDGE GAS INC.
PROCEDURAL ORDER NO. 1
EB-2022-0110
DATED: JULY 18, 2022

APPLICANT & LIST OF INTERVENORS

July 18, 2022

APPLICANT

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INTERVENORS

Rep. and Address for Service

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APPLICANT & LIST OF INTERVENORS

July 18, 2022

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APPLICANT & LIST OF INTERVENORS

July 18, 2022

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APPLICANT & LIST OF INTERVENORS

July 18, 2022

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**Ontario Greenhouse
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APPLICANT & LIST OF INTERVENORS

July 18, 2022

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APPLICANT & LIST OF INTERVENORS

July 18, 2022

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