

January 16, 2023

VIA RESS

Ms. Nancy Marconi
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Dear Ms. Marconi:

Re: EB-2022-0200 – Enbridge Gas Inc. (EGI) Application for 2024 Cost of Service Rates.

IGUA Comment on Draft Issues List.

On behalf of IGUA we support the draft issues list as filed herein by OEB Staff on January 13th.

We have reviewed and considered OEB Staff's letter of comment on proposed issue 59, and respectfully disagree, in part, with such comment.

Staff's comments on proposed issue 59 include the following:

... the power to create or amend natural gas rules (such as the GDAR) rests with the OEB's Chief Executive Officer. That power is exercised in accordance with the statutory process set out in section 45 of the OEB Act, which includes providing notice, inviting written representation and describing the anticipated costs and benefits of the proposal. While proposed issue 59 is not asking the OEB to create or amend a natural gas rule in this proceeding, OEB staff question whether undertaking an analysis of the potential desirability of a policy change to GDAR as a rule of general application to natural gas distributors (including, but not limited to, Enbridge Gas) with a view to making a recommendation is appropriate when considered in that context. To the extent that a party believes that changes to the GDAR are needed, they may bring that directly to the attention of the Chief Executive Officer by other means.

We agree that "undertaking an analysis of the desirability of a policy change to GDAR as a rule of general application to natural gas distributors (including, but not limited to, Enbridge Gas)" is beyond the scope of the instant proceeding. We do not read proposed issue 59 as going that far. Rather, proposed issue 59 asks whether the Hearing Panel in this case should "make a recommendation, as proposed, to the Chief Executive Officer of the OEB for a review... based on customer experience and expectations, and current industry and technical standards". We read that wording, in the context of this case, to refer to "customer experience and expectations, and current industry and technical

standards” as experienced by, and impacting on, EGI’s ability to meet the subject GDAR SQLs. To the extent that EGI’s evidence in respect of its ability to meet the subject GDAR SQLs suggests that a broader review is appropriate, we see no reason why the Hearing Panel in this matter should not consider making such a suggestion to the OEB’s Chief Executive Officer. Indeed, should evidence of EGI’s own experience indicate to the Hearing Panel the wisdom of a broader review, it would be contrary to regulatory efficiency, effectiveness and accessibility for the Hearing Panel to refrain from so noting in its decision in this case.

Yours truly,



Ian A. Mondrow

c: S. Rahbar (IGUA)
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