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Our Matter No.: 1231199

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Nancy Marconi, Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
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Dear Ms. Marconi:

**EB-2022-0094 (Ontario-Produced Natural Gas)
Ontario Petroleum Institute (“OPI”)**

We are counsel to OPI. This letter is a reply to the letter filed by Enbridge earlier this week commenting on OPI’s proposed evidence. For the reasons set out below, OPI requests that the Board deny Enbridge’s proposal to have the issues in this proceeding dealt with in Enbridge’s 2024 Rebasing Application.

Enbridge offers three reasons for their position: (a) “a broader group of stakeholders” will be able to engage with the OPI evidence in the Rebasing Application; (b) there is a risk of inconsistent or duplicative findings if the OPI evidence is not included in the Rebasing Application; and (c) it would be a “much more” efficient use of resources to have OPI’s evidence heard in the Rebasing Application.

With respect to the first and third reason (i.e., items (a) and (c) above), this proceeding was commenced nearly a year ago, on the Board’s own motion. Anyone interested in these issues has had a year to intervene and participate in the process. There is, in OPI’s view, no “broader group of stakeholders” with an interest in these issues. Further, it may be more convenient for Enbridge to have the OPI evidence dealt with in the Rebasing Application, but it would be far less efficient for OPI and its members. OPI is a very small organization – and having its evidence made part of a broad, lengthy, multi-issue rebasing proceeding would only increase OPI’s costs to resolve it’s concerns about distribution system access.

With respect to the second reason (i.e., item (b) above), the Board’s own decision in this proceeding (with respect to Jurisdictional Question No. 2) is a complete response. In carefully prescribing the scope of permissible evidence to be filed by OPI in this proceeding, the Board stated:

[T]he OEB is making provision for the filing of additional evidence in this proceeding by OPI, if OPI wishes to do so. **To the extent that OPI’s**

concerns relate to the M13 fixed or variable rate itself (as opposed to the terms of service included in the rate schedule), the OEB will not address one rate in isolation. OPI may raise issues in relation to the M13 rate, such as cost allocation and rate design, in an Enbridge Gas rebasing proceeding.

The scope of OPI's evidence will be limited to its concerns with the terms of service associated with the M13 rate schedule and station fees charged in gas purchase agreements. **Approved rates are not subject to change in this proceeding as this is not a rebasing proceeding, constituted to consider revenue requirement, cost allocation and rate design issues.**

OPI's evidence should focus on describing what it interprets as access and connection constraints in the current M13 rate schedule or in relation to station fees in gas purchase agreements, and OPI's proposed solutions.

(EB-2022-0094, Decision and Procedural Order No. 3, November 13, 2022) (emphasis added)

OPI's proposed evidence fits squarely within the Board's direction on permissible evidence – focusing on system access, not rates. In issuing its decision in November 2022, the Board deliberately turned their mind to the issues in this proceeding and Enbridge's rebasing application. OPI is keen to file its evidence and have it considered by participants interested in system access issues, and sees no good reason for having these discrete issues commingled with Enbridge's rate rebasing issues.

Please contact me directly if you have any questions.

Yours very truly,



Richard King

RK:mi

- c. All Parties to EB-2022-0094
M. Millar (OEB Counsel)
R. Murray (OEB)