



Ontario Energy Board

A hearing on the Ontario Energy Board's own motion to consider the price paid by rate-regulated natural gas distributors and their customers for natural gas produced in Ontario

PROCEDURAL ORDER NO. 5

February 24, 2023

The Ontario Energy Board (OEB) initiated a proceeding on its own motion to consider the price paid by rate-regulated natural gas distributors for natural gas produced in Ontario.¹

In its Decision and Procedural Order No. 4, the OEB renamed this proceeding the “System Access proceeding” to better reflect the revised scope. In its Decision and Procedural Order No. 4,² the OEB also stated that, “[i]f requested, any intervenor in the 2024 Rebasing proceeding³ with an interest in the system access issues related to rate M13, rate 401 and the proposed new rate E80 will be granted late intervenor status in the System Access proceeding.”

The Canadian Biogas Association (CBA) filed a letter requesting intervenor status and cost eligibility for the System Access proceeding. CBA described itself as “the collective voice of Canada’s biogas sector”. CBA’s members include “farmers, municipalities, and private sector owners and operators of biogas systems, technology suppliers and consultants, financial and learning institutions, utilities, and waste industry and organic residual generators.” CBA noted that it has previously been granted intervenor status and cost eligibility in several OEB proceedings. CBA is interested in issues concerning the existing rate M13, rate 401 and the proposed rate E80, as renewable natural gas producers seeking to access Enbridge Gas’s system would take service under those rates.

The OEB approves CBA as an intervenor and finds that it is eligible to apply for an award of costs under the OEB’s *Practice Direction on Cost Awards*.

¹ [Ontario Energy Board Notice](#), dated February 7, 2022

² Issued February 7, 2023

³ [EB-2022-0200](#)

An updated intervenor list is attached as “Schedule A” to Procedural Order No. 5.

The procedural schedule set in Decision and Procedural Order No. 4 is unchanged. The balance of the procedural schedule is repeated in the Order section below for convenience.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OPI shall file its evidence and serve it on all parties by **March 3, 2023**.
2. Enbridge Gas shall notify the OEB by letter on whether it intends to file evidence and serve the letter on all parties by **March 10, 2023**. If Enbridge Gas intends to file evidence, it shall provide a high-level description of the proposed evidence and when it will be filed.
3. OEB staff and Intervenors shall request any relevant information and documentation from the OPI that is in addition to the evidence filed, by written interrogatories filed with the OEB and served on the OPI and all other parties by **March 17, 2023**.
4. The OPI shall file with the OEB complete written responses to the interrogatories and serve them on all intervenors by **March 31, 2023**.

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-2022-0094** 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, Ritchie Murray at ritchie.murray@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, **February 24, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar