



Enbridge Gas Inc.

**Application for the disposition of 2021 Demand Side
Management Deferral and Variance Accounts**

PROCEDURAL ORDER NO. 1

June 9, 2023

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on April 28, 2023, under section 36 of the *Ontario Energy Board Act, 1998* seeking approval to clear 2021 deferral and variance account balances in three Demand Side Management (DSM) deferral and variance accounts, related to the delivery of natural gas conservation and energy efficiency programs.

A Notice of Hearing was issued on May 12, 2023. Each of Canadian Manufacturers and Exporters (CME), Energy Probe Research Foundation (EP), Ontario Greenhouse Vegetable Growers (OGVG), Pollution Probe (PP), School Energy Coalition (SEC), Small Business Utility Alliance (SBUA), and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Enbridge Gas.

Intervention Request of EP

In its Annual Filing of Frequent Intervenor, EP identifies itself as “one of Canada’s leading environmental and public policy research institutes” and notes its four main goals as “to provide the public, media, business, and government with information on resource-related issues; to promote sustainable resource use; to encourage individual responsibility and accountability; and to help Canada contribute to global justice and prosperity”. In its Intervention Form for this proceeding, EP described its issues as “The natural gas distribution rates paid by the supporters of Energy Probe will be directly impacted by the proposed disposition by Enbridge Gas Inc. of the 2021 Demand Side Management deferral and variance account balances.”

The current proceeding will consider Enbridge Gas' request to clear the 2021 balances in its three DSM deferral and variance accounts based on an existing OEB-approved framework. It is the last year of the current DSM framework. The intention of the current proceeding is not to develop a new DSM framework or policy, or modify the existing OEB-approved policy. No significant policy issues will be considered in this proceeding.

Rule 22.02 of the OEB's *Rules of Practice and Procedure* provides that the party applying for status must satisfy the OEB that it has a "substantial interest" in the proceeding. Given EP's mandate and the scope of the current proceeding, the OEB finds that EP does not have a substantial interest in this proceeding and its intervention request is denied. The current proceeding will not be re-visiting any policy-related aspects, and EP does not primarily represent ratepayers.

Intervention Request of PP

In its Annual Filing of Frequent Intervenor, PP identifies itself as "a recognized leader in defining progress through policy development and intervention, research, awareness, education and pressing for practical balanced solutions in a collaborative manner". In its Intervention Form for this proceeding, PP describes its issues as: "Pollution Probe has been an active participant in DSM account clearance proceedings. The issues of focus for this proceeding are the amounts, calculation and underlying support for the accounts requested for clearance. This proceeding will have a direct impact on consumers (i.e. rates) and policy implications (compliance with the DSM policies, procedures and OEB Decision pertaining to 2021)."

The current proceeding will consider Enbridge Gas' request to clear the 2021 balances in its three DSM deferral and variance accounts based on an existing OEB-approved framework. It is the last year of the current DSM framework. The intention of the current proceeding is not to develop a new DSM framework or policy, or modify the existing OEB-approved policy. No significant policy issues will be considered in this proceeding.

Rule 22.02 of the OEB's *Rules of Practice and Procedure* provides that the party applying for status must satisfy the OEB that it has a "substantial interest" in the proceeding. Given PP's mandate and the scope of the current proceeding, the OEB finds that PP does not have a substantial interest in this proceeding and its intervention request is denied. The current proceeding will not be re-visiting any policy-related aspects, and PP does not primarily represent ratepayers.

Other Intervention Requests

Each of CME, OGVG, SEC, SBUA, and VECC primarily represent defined ratepayer interests and are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

CME, OGVG, SEC, SBUA, and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). However, the balances in the DSM Incentive Deferral Account and the LRAM Variance Account have been reviewed by the Evaluation Contractor as part of an OEB-coordinated evaluation, measurement and verification process. As such, the OEB expects its review of these accounts to be a mechanistic process and does not intend to award costs for the review of these two accounts.

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.

The OEB notes that several intervenors have a common interest in that they all wish to verify the accuracy and reasonableness of the deferral and variance account balances. Intervenors with common interests should coordinate their participation to avoid duplication of effort and should review OEB staff's interrogatories and submissions prior to filing their respective interrogatories and submissions. In making its decision on cost awards, the OEB will consider whether cost eligible intervenors made reasonable efforts to focus their participation on issues that are within the scope of the OEB's review and whether intervenors made reasonable efforts to avoid duplication by coordinating their participation on common issues.

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 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 Enbridge Gas and all other parties, by **June 23th, 2023**.

2. 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 Enbridge Gas and all other parties, by **June 30th, 2023**.
3. Enbridge Gas shall file with the OEB complete written responses to the interrogatories and serve them on all intervenors by **July 14th, 2023**.
4. Any written submissions by OEB staff shall be filed with the OEB and served on all other parties by **August 2th, 2023**.
5. Any written submissions by intervenors shall be filed with the OEB and served on all other parties by **August 9th, 2023**.
6. Enbridge Gas may file a written reply submission with the OEB and serve it on intervenors by **August 23th, 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-2023-0062** 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 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, Alexander Di Ilio at alexander.diilio@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, **June 9, 2023**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
ENBRIDGE GAS INC.
EB-2023-0062
APPLICANT & LIST OF INTERVENORS

**Enbridge Gas Inc.
EB-2023-0062**

APPLICANT & LIST OF INTERVENORS

June 09, 2023

APPLICANT

Rep. and Address for Service

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**Small Business Utility
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