

June 16, 2023

VIA RESS

Ms. Nancy Marconi
Registrar
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Ian A. Mondrow
Direct 416-369-4670
ian.mondrow@gowlingwlg.com

Assistant: Cathy Galler
Direct: 416-369-4570
cathy.galler@gowlingwlg.com

Dear Ms. Marconi:

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

Industrial Gas Users Association (IGUA) Request for Interim Cost Award & Consideration for In-Person Hearing.

In our letter dated December 2, 2022 requesting intervention on behalf of IGUA we requested that the Board consider an in-person oral hearing in this matter.

In our letter dated January 16, 2023 regarding IGUA's proposal to file expert evidence we requested that the OEB make provision for an interim award of costs for eligible intervenors at an appropriate point in the process.

With the imminent conclusion of the settlement process in this matter, we write to reiterate both requests.

In-Person Oral Hearing

Considering the record as it has developed, and informed by the significant scope of the issues that will remain to be heard and which the OEB is now in a position to assess on the basis of Enbridge counsel's letter of June 13, 2023, we reiterate our request for an in-person oral hearing in this matter. We have been authorized to convey express support for this request from SEC, FRPO, CCC and Energy Probe.

Informed by the breadth and complexity of the issues now joined through intervenor and Board Staff evidence and the extensive interrogatories and responses thereon and on the evidence of EGI, we remain of the view that the Hearing Panel would benefit from receiving in-person evidence from witnesses for EGI and other parties, and parties would benefit from being able to examine witnesses and engage with the Hearing Panel in person. We acknowledge and appreciate the adjustments that the Board had to make in the last few years in light of public health concerns and commend the

Board for its achievements in doing so while respecting the essence of the quasi-judicial process in which it is mandated to engage. Nonetheless, with the universal removal of public health restrictions, we believe that a return to in-person testimony in this case will provide the greatest insights and strongest impressions, in turn providing the best basis for decision-making. This is particularly important for decisions as impactful as those that will result from the current application.

A “hybrid” process, which allows those distant from the OEB’s premises and who may have a relatively minor role in the oral proceeding to participate virtually, would be appropriate and efficient, and should be manageable.

Interim Cost Award

All parties have incurred significant expense to date in responsible participation in this proceeding, and are now planning for hearing and argument phases in which significant incremental investment will be required.

IGUA has incurred a significant expense for retaining qualified external expertise in connection with the issues raised by this application. Such retainers, together with its engagement of counsel, has presented IGUA with a significant cash flow requirement, in particular given the scope of the instant case and its relative complexity. On behalf of IGUA we therefore reiterate our earlier request that the OEB make provision for an interim award of costs for cost eligible intervenors.

We have been authorized to convey support for this request from SEC, FRPO and CCC. While FRPO has retained “only” one expert, and SEC and CCC have not invested in experts, each of these parties, like all other parties, have invested a significant amount of time and effort in this matter to date and incurred significant costs, and are preparing for further significant engagement in the coming weeks and months. In support of these efforts, all cost eligible intervenors would benefit from an interim award of costs.

We respectfully suggest that conclusion of the settlement process is an appropriate point in this process for preliminary, yet informed, evaluation of parties’ contributions made to date. Interrogatories on EGI’s filings have been asked and answered, intervenor evidence has been filed and considered, and interrogatories thereon have also been asked and answered. The Hearing Panel should now be in a position to make a preliminary assessment of the extent to which activity by cost eligible intervenors and their experts has produced a balanced and comprehensive record to support the OEB’s deliberations herein, which would be an appropriate basis upon which to consider an interim award of costs for eligible intervenors.

IGUA appreciates the OEB's consideration of the foregoing and awaits further direction.

Yours truly,



Ian A. Mondrow

c: S. Rahbar (IGUA)
V. Innis (EGI)
D. Stevens (Aird & Berlis LLP)
D. O'Leary (Aird & Berlis LLP)
K. Viraney (OEB Staff)
Intervenors of Record

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