



EB-2008-0285

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c.15 (Sched. B)

AND IN THE MATTER OF a proceeding initiated by the
Ontario Energy Board to determine whether it should
order new rates for the provision of natural gas,
transmission, distribution and storage services to gas-
fired generators (and other qualified customers) and
whether the Board should refrain from regulating the
rates for storage of gas.

AND IN THE MATTER OF Rules 7, 42, 44 and 45.01 of
the Board's *Rules of Practice and Procedure*.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

On July 24, 2008, Enbridge Gas Distribution ("Enbridge" or the "Moving Party") filed a Motion to vary (the "Motion") a portion of the Settlement Agreement, dated June 13, 2006 in The Natural Gas and Electricity Interface Review ("NGEIR") with the Ontario Energy Board (the "Board"). The NGEIR proceeding was commenced on the Board's own motion on December 29, 2005. As part of the Settlement Agreement in the NGEIR proceeding parties agreed to the following: "once sufficient operating experience has been gained and in any event no later than March 31, 2009, interested customer groups and Enbridge Gas Distribution will convene to evaluate and discuss the experience and success of the services offered as a result of this proceeding." The Board orally approved the Settlement Agreement as part of the NGEIR proceeding.

This Motion has been assigned Board File No. EB-2008-0285.

Enbridge submits that, by March 31, 2009, there will not be sufficient operating experience with the new services approved in the NGEIR proceeding to have a meaningful review of those services.

The relief requested in Enbridge's Motion is for:

An order varying the Settlement Proposal for Issues Relating to Enbridge Gas Distribution Inc. in the NGEIR Proceeding dated June 13, 2006 (the Settlement Proposal) such that the review of new services referred to in section 1.1, paragraph (l) of the Settlement Proposal will occur once sufficient operating experience has been gained and in any event no later than March 31, 2010.

The Board is prepared to hear the Motion on its merits, and intervenors in the NGEIR proceeding will be given the opportunity to comment on and object to the relief sought by Enbridge. The Board finds it appropriate to hear this matter by way of written hearing unless any party provides a good reason why it should proceed by way of an oral hearing.

The Board accepts as intervenors all parties to the NGEIR proceeding (EB-2005-0551). This list is attached as Appendix A.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further Procedural Orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. Enbridge shall file its argument on or before **September 11, 2008** with respect to the substantive issues. The argument shall be filed with the Board and copied to all intervenors.
2. Any intervenor may file a submission in response to Enbridge's argument on the substantive issue. Intervenor submissions shall be filed with the Board and copied to Enbridge and all intervenors no later than **September 18, 2008**.
3. Enbridge shall file its written reply on or before **September 25, 2008**. The reply argument shall be filed with the Board and copied to all intervenors.

4. The Board may order costs in this proceeding. Any party that was determined to be eligible for costs in the Settlement Agreement reached in EB 2005-0551 shall be eligible for costs in this proceeding. Any party that is not automatically eligible for costs but expects to seek costs in this proceeding shall file a letter with the Board and copy Enbridge no later than **October 2, 2008** which letter shall provide the grounds for the party's eligibility for costs. Enbridge will have until **October 9, 2008** to object to any new cost eligibility request. Requests for cost eligibility and the determination of cost awards will be addressed in accordance with the Board's Practice Direction on Cost Awards. Enbridge will be ordered to pay the cost awards for this proceeding.

All filings to the Board must quote file number EB-2008-0285, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may e-mail your document to Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies. All communications should be directed to the attention of the Board Secretary, and be received no later than **4:45 p.m.** on the required date.

ISSUED at Toronto, September 3, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"
TO
NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1
BOARD FILE NO: EB-2008-0285
ISSUED: SEPTEMBER 3, 2008

**UNION GAS LIMITED
ENBRIDGE GAS DISTRIBUTION INC.**

**2008 RATES CASE
EB-2007-0606
EB-2007-0615**

List of Applicants and Intervenors

June 9, 2008

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