



Enbridge Gas Inc.

**Application for the Disposition of Deferral and Variance
Account Balances and Review of 2022 Utility Earnings**

PROCEDURAL ORDER NO. 1

August 3, 2023

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on June 14, 2023, under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order approving the disposition of balances in certain deferral and variance accounts. Enbridge Gas's 2022 earnings were below the 150 basis point threshold set out in Enbridge Gas's previously approved earnings sharing mechanism, and as a result is not proposing to share any earnings with customers.

A Notice of Hearing was issued on July 10, 2023.

The following parties applied for intervenor status:

- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe
- Federation of Rental-housing Providers of Ontario (FRPO)
- City of Kitchener (Kitchener)
- Ontario Greenhouse Vegetable Growers (OGVG)
- School Energy Coalition (SEC)
- Six Nations Natural Gas Company Limited (SNNG)

CME, CCC, Energy Probe, FRPO, OGVG, and SEC, also applied for cost eligibility.

No objection was received from Enbridge Gas.

CME, CCC, Energy Probe, FRPO, Kitchener, OGVG, SEC, and SNNG are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. CME, CCC, Energy Probe, FRPO, OGVG, and SEC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#) and only in relation to the issues noted in the OEB's Notice of Hearing.

Parties should focus their participation on material issues and coordinate their participation on common issues to avoid duplication. In making its decision on cost awards, the OEB will consider whether cost eligible intervenors made reasonable efforts to focus their participation on material issues and avoid duplication.

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.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Confidentiality

By letter dated June 14, 2023, Enbridge Gas requested confidential treatment of the Storage RFP Summary at Exhibit D, Tab 1, Schedule 6.

In accordance with the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction), Enbridge Gas has filed a redacted copy of the document. An unredacted copy of the document was filed separately in confidence.

Enbridge Gas claims the document contains vendor responses for third party storage information including terms, pricing and injection and withdrawal offers and is consistent with the type of information that is treated as presumptively confidential by the OEB.

Parties that wish to object to the confidentiality request should refer to section 4 of the Practice Direction and follow the timelines and process in sections 5.1.6 and 5.1.7 of the Practice Direction.

Interrogatories

By letter dated July 26, 2023, Enbridge Gas requested that the discovery phase for this proceeding commence in October following the completion of the argument phase in Enbridge Gas's ongoing 2024 Rebasing proceeding¹ due to timing and resource constraints among this proceeding, the 2024 Rebasing proceeding, and the pending October 1, 2023 QRAM application. Enbridge Gas stated that with this procedural timeline, it proposes to clear balances in the 2022 deferral and variance accounts with the first QRAM application following OEB approval, as early as April 1, 2024, as implementation with the January 1, 2024 QRAM may not be possible.

¹ EB-2022-0200

The OEB accepts Enbridge Gas's proposal to delay the discovery phase for this proceeding given ongoing commitments in the 2024 Rebasing proceeding. Enbridge Gas's reply submission in the 2024 Rebasing proceeding is due September 28, 2023 as established in Procedural Order No. 6 in that proceeding. The OEB is setting a due date of October 3, 2023 for written interrogatories from OEB staff and intervenors to Enbridge Gas in the current proceeding. In accordance with the OEB's [*Protocol for Adjusting Adjudicative Timelines*](#), the OEB is placing the application in abeyance effective today and will resume processing the application on October 3, 2023, when written interrogatories are due to Enbridge Gas. As a result, and in accordance with the OEB's *Protocol for Adjusting Adjudicative Timelines*, the total delay that will extend the OEB's target decision metric date will be 61 days.

Parties should consult sections 26 and 27 of the OEB's [*Rules of Practice and Procedure*](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Settlement Conference

The OEB is making provision for a settlement conference. Following the settlement conference, the OEB is making provision for the filing of letters informing the OEB of the status of the settlement discussions and the filing of a settlement proposal by Enbridge Gas, if any.

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 and 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 all parties by **October 3, 2023**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **October 31, 2023**.
3. A settlement conference among the parties and OEB staff will be convened on **November 15, 2023**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **November 16, 2023**. This will be a virtual event and information on how to participate will be provided in advance of the conference.

4. Enbridge Gas shall file a letter by **November 20, 2023**, informing the OEB of the status of the settlement discussions including whether a tentative agreement had been reached or if the parties propose to continue the settlement discussions.
5. If there is no settlement proposal arising from the settlement conference, Enbridge Gas shall file a statement to that effect with the OEB by **November 22, 2023**. In that event, parties shall file and serve on the other parties by **November 28, 2023**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
6. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **December 7, 2023**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **December 14, 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-2023-0092** 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, Petar Prazic at Petar.Prazic@oeb.ca and OEB Counsel, James Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **August 3, 2023**

ONTARIO ENERGY BOARD

By delegation, before: James Sidlofsky

James Sidlofsky
Legal Counsel

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
PROCEDURAL ORDER NO. 1
ENBRIDGE GAS INC.
EB-2023-0092
DATED: August 3, 2023

Enbridge Gas Inc.
EB-2023-0092

APPLICANT & LIST OF INTERVENORS

August 3, 2023

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APPLICANT & LIST OF INTERVENORS

August 3, 2023

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APPLICANT & LIST OF INTERVENORS

August 3, 2023

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Enbridge Gas Inc.
EB-2023-0092

APPLICANT & LIST OF INTERVENORS

August 3, 2023

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