



BY EMAIL and RESS

Mark Rubenstein
mark@shepherdrubenstein.com
Dir. 647-483-0113

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

August 25, 2023
Our File: EB20220094

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2022-0094 – Ontario Natural Gas System Access Proceeding – SEC Submissions

We are counsel to the School Energy Coalition ("SEC"). In light of the OEB's *Decision and Procedural Order No. 3*, the scope of the proceeding has been substantially narrowed compared to what was initially anticipated when SEC intervened. While SEC does not possess specific knowledge concerning the system access issues encountered by members of the Ontario Petroleum Institute ("OPI") in relation to Enbridge Gas Inc. ("Enbridge"), we are able to offer the following brief general comments on the issues that remain within the scope of the proceeding:

Access Rules. Regulated utilities, like Enbridge, who control access to their monopoly system should be mandated to establish transparent and fair access rules. These rules should include specific timelines for connections and disclose information pertaining to associated costs. While the specific rules may need to be different, it should not matter if the entity seeking connection is a load customer or a gas producer.

Contestability. While SEC acknowledges the differences between electricity and natural gas infrastructure, the OEB should view with skepticism arguments put forth by Enbridge that would prevent entities from constructing their own connection facilities. The contestability provisions included in the Distribution System Code ('DSC') play an important role in reducing costs for those seeking to connect. Like in the DSC, appropriate utility oversight can be put in place to ensure those assets are constructed in a way that does not harm the safe operation of the Enbridge system.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: B. McKay, SEC (by email)
All parties (by email)

Shepherd Rubenstein Professional Corporation | **Regulatory Law**
2200 Yonge Street, Suite 1302 T. (416) 483-3300 F. (416) 483-3305
Toronto, ON M4S 2C6 shepherdrubenstein.com