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RECEIVED

JAN 16 2008

ONTARIO ENERGY BOARD

**VIA EMAIL AND COURIER**

January 15, 2008

*16/1/08*

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

**Re: EB-2007-0731 – Enbridge Gas Distribution Inc. (Enbridge) Application for Recovery of Class Action Suit Deferral Account (CASDA)**

Attached below please find the updated exhibit list for the EB-2007-0731 CASDA proceeding. The exhibit list has been updated to reflect Enbridge Gas Distribution's interrogatory response as well as Board Staff and Intervenor Argument.

Two paper copies are being sent to the Ontario Energy Board along with CD containing all evidence.

Please contact me if you have any questions.

Yours truly,

Bonnie Jean Adams  
Assistant Regulatory Coordinator

cc: All Intervenors in EB-2007-0731 (via email)  
Mr. D. O'Leary, Aird & Berlis (via email)  
Mr. D. Stevens, Aird & Berlis (via email)

Attach.

EXHIBIT INDEX

A - ADMINISTRATION

<u>EXHIBIT</u>	<u>TAB</u>	<u>SCHEDULE</u>	<u>DESCRIPTION</u>
A	1	1	Index
		2	Application

EXHIBIT B - EVIDENCE

<u>EXHIBIT</u>	<u>TAB</u>	<u>SCHEDULE</u>	<u>DESCRIPTION</u>
B	1	1	Overview and Summary of Application
	2	1	History of the Company's Late Payment Penalty (LPP) prior to the Garland Class Action
		2	Garland Class Action
		3	Changes to the Company's LPP following the Garland Class Action
		4	Settlement of the Garland Class Action
		5	Background and History of the Class Action Suit Deferral Account (CASDA)
		6	Clearance of the 2007 CASDA

C- SUPPORTING DOCUMENTATION

<u>EXHIBIT</u>	<u>TAB</u>	<u>SCHEDULE</u>	<u>DESCRIPTION</u>
C	1	1	Relevant Sections from the E.B.R.O. 302-II Decision with Reasons
		2	The Minister's Statement to the Legislature, dated November 21, 1978
		3	Relevant Sections from the E.B.R.O. 369-II Decision with Reasons

C- SUPPORTING DOCUMENTATION

<u>EXHIBIT</u>	<u>TAB</u>	<u>SCHEDULE</u>	<u>DESCRIPTION</u>
C	1	4	Relevant Sections of Ontario Hydro's Standard Application of Rates
		5	Relevant Sections from the E.B.R.O. 452 Decision with Reasons
		6	Relevant Sections from the E.B.R.O. 412-III and E.B.R.O. 456 Decisions with Reasons
		7	Pleadings in the Garland Proceeding
		8	Decisions of the Ontario Court - General Division (1995), Ontario Court Of Appeal (1996) and Supreme Court of Canada (1998) in the Garland Proceeding
		9	Decision of the Ontario Superior Court (April 2000) in the Garland Proceeding
		10	Decision of the Ontario Court of Appeal (December 2001) in the Garland Proceeding
		11	Decision of the Supreme Court of Canada (April 2004) in the Garland Proceeding
		12	Pleadings in the LPP Proceedings against Union Gas and Electricity Distributors
		13	Letter from the Board to the Ontario Gas Utilities, dated November 6, 1998
		14	Relevant Pages from the Transcript of the E.B.R.O. 499 Proceeding
		15	Board's January 30, 2001 Notice and the Board Staff Discussion Paper Re LPPs
		16	Submissions from Some Interested Parties in Response to the Board Staff Discussion Paper Re LPPs

C- SUPPORTING DOCUMENTATION

<u>Exhibit</u>	<u>Tab</u>	<u>Schedule</u>	<u>Contents</u>
<u>C</u>	1	17	Board's Directive to Electricity Distributors and the Board's Letters of October 1, 2001 Re LPPs
		18	Board's "Utility Late Payment Penalties" Factsheet
		19	Company's December 14, 2001 Letter, the Board's Procedural Order and the Company's Pre-Filed Evidence, Filed in the RP-2001-0032 case Re. New LPP
		20	Board's Interim Decision and Order dated January 31, 2002 in the RP-2001-0032 Case
		21	Notice of Motion, and Affidavit of Dorothy Fong (Without Attachments), in Support of Motion for Approval of Settlement in the Garland Proceeding
		22	Minutes of Settlement in the Garland Proceeding
		23	Endorsement of Cullity J. dated September 25, 2006 Related to Motion for Approval of Settlement
		24	Amendments to the Minutes of Settlement
		25	Materials Filed by Counsel for the Class in Support of the Second Motion for Approval of Settlement
		26	Reasons For Decision Of Cullity J. Released on December 8, 2006, Approving Settlement
		27	January 23, 2007 Implementation Order (Re. Approval of Settlement)
		28	2006 Annual Report for the Toronto Winter Warmth Fund, and a Letter from the United Way of Toronto dated October 20, 2006 Addressing how the Endowment will be Used

C- SUPPORTING DOCUMENTATION

<u>Exhibit</u>	<u>Tab</u>	<u>Schedule</u>	<u>Contents</u>
<u>C</u>	1	29	Prefiled Evidence, Settlement Proposals and Board Decisions Related to CASDA in Enbridge Gas Distribution Rate Proceedings
		30	Board's Decision and Accounting Order in the RP-2003-0203 case re. 2004 CASDA
		31	Company's Letter to the Board on July 20, 2006 (Re. Settlement of Garland Proceeding) and the Board's August 17, 2006 Letter in Response

D - BOARD STAFF AND INTERVENOR ARGUMENT

<u>Exhibit</u>	<u>Tab</u>	<u>Schedule</u>	<u>Contents</u>
<u>D</u>		1	Board Staff Submission
		2	Consumer Council of Canada (CCC)
		3	Electricity Distributors Association (EDA)
		4	Industrial Gas Users Association (IGUA)
		5	School Energy Coalition (SEC)
		6	Union Gas Limited
		7	Vulnerable Energy Consumers Coalition (VECC)

I - INTEREROGATORY RESPONSES

<u>Exhibit</u>	<u>Tab</u>	<u>Schedule</u>	<u>Contents</u>
<u>I</u>	1	1	EGD Response to School Energy Coalition (SEC) Interrogatory