



EB-2007-0606
EB-2007-0615

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

AND IN THE MATTER OF an Application by Union Gas Limited for an Order or Orders approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF a combined proceeding Board pursuant to section 21(1) of the *Ontario Energy Board Act, 1998*.

PROCEDURAL ORDER No. 1

Union Gas Limited ("Union") filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008.

Enbridge Gas Distribution Inc. ("Enbridge" or "EGD") filed an Application on May 11, 2007 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008.

The Board has assigned file number EB-2007-0606 to the Union Application and file number EB-2007-0615 to the Enbridge Application and has issued a Notice of Applications and Combined Proceeding dated May 25, 2007.

The Board's Notice indicated that Union and Enbridge (the "Companies", the "Applicants") would be filing written evidence in support of their respective Applications in due course.

The Board considers it necessary to make provision for the following procedural matters. A case timetable is attached as Appendix A.

Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. A list of Intervenor is attached as Appendix B to this Order.
2. Board staff shall file Pacific Economics Group's ("PEG") study entitled Rate Adjustment Indexes for Ontario's Natural Utilities dated June 20, 2007 with the Board and deliver it to the Companies and Intervenor on or before June 28, 2007.
3. The Companies are to file their written evidence in support of their Applications with the Board and deliver it to the Intervenor no later than July 9, 2007.
4. An Issues Conference, involving Board Staff, Intervenor, and the Companies will be convened to review a Draft Issues List with the objective of developing a Proposed Issues List for presentation to the Board. Board Staff's Draft Issues List is attached as Appendix C to this Order. A Proposed Issues List will be formulated and presented to the Board at the conclusion of the Issues Conference. The Issues Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, on July 17, 2007 at 9:00 a.m.

5. An Issues Day proceeding will take place on July 19, 2007 at 9:30 a.m. in the Board's hearing room, at which time the Board will hear submissions with respect to any contested issues.
6. Parties who wish information and material from the Companies and PEG that is in addition to the evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Companies on or before July 30, 2007. All interrogatories must identify the relevant Issue by Issue Number in the format as shown by the example attached as Appendix D.
7. The Companies and PEG shall file with the Board complete responses to the interrogatories and deliver them to the Intervenor on or before August 14, 2007.
8. Intervenor on or before August 21, 2007.
9. A Technical Conference on Intervenor evidence will be convened on August 28, 2007 at 9:30 a.m. The Technical Conference will be held at 2300 Yonge Street, Toronto in the Board's hearing room on the 25th Floor and may continue until August 30, 2007. Responses to any undertakings shall be filed with the Board and delivered to the Companies and the other Intervenor on or before September 7, 2007.
10. An Intervenor Conference will be convened on September 10, 2007 at 9:00 a.m. Any registered Intervenor in this proceeding may attend. The Intervenor Conference will be held at 2300 Yonge Street, Toronto in the Board's hearing room on the 25th Floor. The purpose of this meeting is for Intervenor on or before September 7, 2007.
11. A Settlement Conference will be convened on September 11, 2007 at 9:00 a.m. with the objective of reaching a settlement among the parties on the issues. The Settlement Conference will be held at 2300 Yonge Street,

Toronto in the Board's hearing room on the 25th Floor and if needed, may continue until September 24, 2007.

12. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than 4:45 p.m. on October 1, 2007. The Board will sit on October 4, 2007 at 9:30 a.m. to review any Settlement Proposal.
13. The evidentiary phase of the oral hearing will commence immediately after the Settlement Proposal on October 4, 2007 at 2300 Yonge Street, Toronto in the Board's hearing room. The hearing is currently scheduled for up to 12 hearing days.
14. All parties shall file their submissions with the Board Secretary, 11 hard copies and one electronic copy in searchable PDF format at boardsec@gov.on.ca , by 4:45 p.m. on the date indicated, and copy all parties. Parties must also include the Case Manager, Richard Battista richard.battista@oeb.gov.on.ca, Board Counsel, Michael Millar michael.millar@oeb.gov.on.ca and Board Staff, Laurie Klein laurie.klein@oeb.gov.on.ca electronic correspondence related to this proceeding.

DATED at Toronto, June 27, 2007.

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary

APPENDIX A

Union Gas Limited and Enbridge Gas Distribution Inc. 2008 Rates Case Timetable

	Event	Date 2007
1.	Issue Procedural Order No. 1	June 27
2.	Board staff file PEG study	June 28
3.	Union and EGD file evidence	July 9
4.	Issues Conference	July 17
5.	Issues Day	July 19
6.	Procedural Order No. 2 – Issues List	July 23
7.	Interrogatories to Companies and PEG - Intervenors	July 30
8.	Interrogatory Responses	Aug 14
9.	Intervenor Evidence	Aug 21
10.	Technical Conference on Intervenor Evidence	Aug 28- 30
11.	Responses to Undertakings from Technical Conference	Sept 7
12.	Intervenor Conference	Sept 10
13.	Settlement Conference	Sept 11 – Sept 24 (10 days)
14.	File Settlement Proposal	Oct 1
15.	Settlement Proposal Hearing	Oct 4
16.	Oral Hearing	Oct 4 (12 hearing days)

APPENDIX B

List of Intervenor

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APPENDIX C

Board Staff's Draft Issues List

1. Inflation factor:
 - a. What type of index should be used as the inflation factor – industry specific index or macroeconomic index?
 - i. Which macroeconomic or industry specific index should be used?
 - b. Should the inflation factor be based on an actual or forecast?
 - c. How often should the Board update the inflation factor?
 - d. Should the gas utility's ROE outcome (not formula) be adjusted during the term of the plan?
2. X factor:
 - a. What are the appropriate components of an X factor?
3. Average use factor:
 - a. Is it appropriate to include the impact of declining average use in the annual adjustment?
 - b. If so, how should the impact of declining average use be applied (e.g., to all customer rate classes equally, should it be differentiated by customer rate classes or some other manner)?
4. Z factor:
 - a. What are the Z factors that should be included in the IR plan?
 - b. What are the criteria for disposition?
5. Y factor:
 - a. What are the Y factors that should be included in the IR plan?
 - b. What are the criteria for disposition?
6. Miscellaneous non-energy service charges:
 - a. Should these charges be included in the IR mechanism?
 - b. If the charges are not included in the IR mechanism, should they be allowed to change during the plan term?
7. Term of the plan:
 - a. What is the appropriate length of the plan – 3, 4 or 5 years?
 - b. Should the gas utilities have the same plan term?
8. Off-ramps:
 - a. Should an off-ramp be included in the IR plan?
 - b. If so, what should be the parameters?

9. Earning Sharing Mechanism (ESM):
 - a. Should an ESM be included in the IR plan?
 - b. If so, what should be the parameters?
10. Reporting requirements:
 - a. What information should the Board consider during the IR plan and at the time of rebasing?
 - b. What should be the frequency of the reporting requirements during the IR plan (e.g., quarterly, semi-annually or annually)?
 - c. What should be the process and the role of the Board and stakeholders?
11. Annual rate setting:
 - a. What should be the information requirements?
 - b. What should be the process, timing and the role of stakeholders?
12. Adjustments to base year revenue requirements:
 - a. Are there adjustments that should be made to base year revenue requirements?

APPENDIX D

Interrogatory Sample Format and Example

1- Ref: Union Exhibit #, Schedule #, Tab #
Enbridge Exhibit #, Schedule #, Tab #

Issue Number: 7a.

Issue: What is the appropriate length of the plan – 3, 4 or 5 years?

In the noted evidence you mention that there are ratepayer benefits to a plan term of 5 years.

- a) Please elaborate, and quantify if possible these benefits
- b) Are there any ratepayer and/or shareholder risks associated with a plan term of 5 years, if so please describe.