

March 22, 2024

**BY EMAIL AND FILED VIA RESS**

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street  
Suite 2700  
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.  
EB-2022-0094 – System Access  
Description of process for creating form of Contestable Work Agreement**

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We represent Enbridge Gas.

On February 23, 2024, Enbridge Gas filed a Settlement Proposal and associated connection procedures, on behalf of itself, and the “Producers” - Canadian Biogas Association and Ontario Petroleum Institute.

The Connection Procedures Document found at Appendix “A” to the Settlement Proposal sets out a defined process through which Enbridge Gas will work with Producers to connect to the Enbridge Gas distribution system. One aspect of the connection procedures is that Producers have the option to construct part of the connection assets (the meter station), following Enbridge Gas’s design specifications and construction and materials standards. This will permit the Producers to have greater influence on timing and costs of the connection. Where the Producer chooses this approach (referred to as “contestability”), then the meter station will be transferred to Enbridge Gas at the time that the connection is put into service.

The Connection Procedures Document indicates that a Producer choosing the contestability option will sign a Contestable Work Agreement with Enbridge Gas. The Settlement Proposal indicates that Enbridge Gas will prepare a form of Contestable Work Agreement so that it will be available for August 1, 2024 implementation.

OEB staff reviewed the Settlement Proposal and provided comments to the OEB on March 6, 2024. OEB staff supports the Settlement Proposal. However, as one stipulation to its support, OEB staff asked Enbridge Gas to provide details about the preparation of the Contestable Work Agreement, and whether any further OEB action will be needed:

*OEB staff requests that Enbridge Gas file a letter on the record of this proceeding, prior to the issuance of the OEB’s decision on the Settlement Proposal, that explains the approach that has been or will be taken to develop the form of Contestable Work Agreement. This letter should also advise whether Enbridge Gas is seeking OEB approval of this form of*

*agreement. Enbridge Gas is encouraged to discuss this letter with the Parties to the Settlement prior to filing it on the record.*

Enbridge Gas is in the process of determining what will be included in the Contestable Work Agreement.

At present, Enbridge Gas expects that the Contestable Work Agreement will address the following topics (others may be added):

- Representations, Warranties and Covenants regarding construction and compliance with Enbridge Specifications
- Process for Inspection and Acceptance Testing
- Process and terms regarding asset transfer
- Land Rights
- Warranty
- Confidentiality and Intellectual Property
- Insurance
- Indemnification
- Termination
- Dispute Resolution
- Auditing

Enbridge Gas plans to provide a working draft of the Contestable Work Agreement to Producers for review and comment by early June 2024. This will allow time for comments and suggestions to be considered in order for a final version of the document to be available for August 1, 2024.

Enbridge Gas will not be requesting OEB approval of the form of Contestable Work Agreement and notes that many of terms that the Contestable Work Agreement will address are set out in the Connection Procedures Document. To Enbridge Gas's knowledge, this type of agreement is not OEB-approved in relation to contestable work for electricity distributors. However, the Company acknowledges that if the Producers believe the form of Contestable Work Agreement that is proposed is not consistent with the Connection Procedures Document, then they can bring those concerns to the OEB under this docket number. Enbridge Gas does not expect this will be necessary.

Enbridge Gas has shared this letter with the Producers and they have not expressed concerns. The Producers do want to note that it is their expectation that the parties will be able to arrive at a mutually acceptable form of Contestable Work Agreement. The Producers have requested,

however, that the OEB confirm that it would be prepared to consider submissions about the Contestable Work Agreement in the event of a dispute.

Please let us know if you have questions about this letter.

Yours truly,

AIRD & BERLIS LLP



David Stevens  
DS/

c: All parties registered in EB-2022-0094