



**Enbridge Gas Inc.**

**Application for the Disposition of Deferral and Variance  
Account Balances and Review of 2023 Utility Earnings**

**PROCEDURAL ORDER NO. 1**

**July 22, 2024**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on June 3, 2024, under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) seeking approval for the disposition of balances in certain deferral and variance accounts. Enbridge Gas's 2023 earnings were below the 150 basis point threshold set out in Enbridge Gas's previous approved earnings sharing mechanism, and as a result is not proposing to share any earnings with customers.

A Notice of Hearing was issued on June 27, 2024. Each of Canadian Manufacturers & Exporters (CME), City of Kitchener (Kitchener), Consumers Council of Canada (CCC), Energy Probe, Federation of Rental-housing Providers of Ontario (FRPO), Ontario Greenhouse Vegetable Growers (OGVG), Pollution Probe, School Energy Coalition (SEC), and Six Nations Natural Gas (SNNG) applied for intervenor status. CME, CCC, Energy Probe, FRPO, OGVG, Pollution Probe, and SEC also applied for cost eligibility.

No objection was received from Enbridge Gas .

CME, Kitchener, CCC, Energy Probe, FRPO, OGVG, Pollution Probe, 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, Pollution Probe, and SEC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

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 May 31, 2024, 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**

The OEB is making provision for written interrogatories. 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 Enbridge Gas and all other parties by **August 16, 2024**.

2. Enbridge Gas shall file with the OEB complete written responses to the interrogatories and serve them on all intervenors by **September 5, 2024**.
3. A settlement conference among the parties and OEB staff will be convened on **September 16, 2024**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **September 17, 2024**. 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 **September 19, 2024**, 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 **September 24, 2024**. In that event, parties shall file and serve on the other parties by **October 1, 2024**, 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 **October 10, 2024**. 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 **October 17, 2024**.

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-2024-0125** 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](mailto: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 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, Arturo Lau at [Arturo.Lau@oeb.ca](mailto:Arturo.Lau@oeb.ca) and OEB Counsel, James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED at Toronto, July 22, 2024**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**Schedule A**  
**Enbridge Gas Inc.**  
**EB-2024-0125**  
**Applicant and List of Intervenors**

Enbridge Gas Inc.  
EB-2024-0125

**APPLICANT & LIST OF INTERVENORS**

July 22, 2024

APPLICANT	Rep. and Contact Information for Service
Enbridge Gas Inc.	<b>Richard Wathy</b> Technical Manager Enbridge Gas Inc. Tel: 519-365-5376 <a href="mailto:EGRegulatoryProceedings@enbridge.com">EGRegulatoryProceedings@enbridge.com</a>
APPLICANT COUNSEL	
	<b>David Stevens</b> Aird & Berlis LLP Tel: 416-863-1500 <a href="mailto:dstevens@airdberlis.com">dstevens@airdberlis.com</a>
INTERVENORS	Rep. and Contact Information for Service
Canadian Manufacturers & Exporters	<b>Scott Pollock</b> Borden Ladner Gervais LLP Tel: 613-787-3541 <a href="mailto:spollock@blg.com">spollock@blg.com</a>
	<b>Vincent Caron</b> Director, Manufacturing Policy Canadian Manufacturers & Exporters Tel: 905-672-3466 <a href="mailto:vincent.caron@cme-mec.ca">vincent.caron@cme-mec.ca</a>

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**APPLICANT & LIST OF INTERVENORS**

July 22, 2024

**Consumers Council of  
Canada**

**Julie Girvan**  
Consultant  
Consumers Council of Canada  
Tel: 416-322-7936  
[jgirvan@uniserve.com](mailto:jgirvan@uniserve.com)

**Lawrie Gluck**  
Consultant  
North End Consulting Inc.  
Tel: 647-222-7743  
[lawrie.gluck@northendconsulting.ca](mailto:lawrie.gluck@northendconsulting.ca)

**Energy Probe Research  
Foundation**

**Tom Ladanyi**  
TL Energy Regulatory Consultants Inc.  
Tel: 416-423-3685  
[tom.ladanyi@rogers.com](mailto:tom.ladanyi@rogers.com)

**Patricia Adams**  
Energy Probe Research Foundation  
Tel: 416-964-9223  
[patriciaadams@probeinternational.org](mailto:patriciaadams@probeinternational.org)

**Federation of Rental-housing  
Providers of Ontario**

**Dwayne Quinn**  
Principal  
DR Quinn & Associates Ltd.  
Tel: 519-500-1022  
[drquinn@rogers.com](mailto:drquinn@rogers.com)

**APPLICANT & LIST OF INTERVENORS**

July 22, 2024

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**Kitchener Utilities**

**Khaled Abu-Eseifan**

Manager, Gas Supply & Engineering

The Corporation of the City of Kitchener -  
Utilities Division

Tel: 519-741-2600 Ext: 4826

[Khaled.abu-eseifan@kitchener.ca](mailto:Khaled.abu-eseifan@kitchener.ca)

**Jaya Chatterjee**

Regulatory Analyst

The Corporation of the City of Kitchener -  
Utilities Division

Tel: 519-741-2600 Ext: 4629

[jaya.chatterjee@kitchener.ca](mailto:jaya.chatterjee@kitchener.ca)

**Ontario Greenhouse  
Vegetable Growers**

**Michael Buonaguro**

Counsel

Ontario Greenhouse Vegetable Growers

Tel: 416-767-1666

[mrb@mrb-law.com](mailto:mrb@mrb-law.com)

**Aaron Coristine**

Science/Regulatory Affairs/Government Relations

Ontario Greenhouse Vegetable Growers

Tel: 519-564-4496

[a.coristine@ogvg.com](mailto:a.coristine@ogvg.com)

**Pollution Probe**

**R Carlson**

Independent Participant

Tel: 416-926-1907 Ext: 251

[rcarlson@pollutionprobe.org](mailto:rcarlson@pollutionprobe.org)



**APPLICANT & LIST OF INTERVENORS**

July 22, 2024

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**Pollution Probe**

**Michael Brophy**

Consultant for Pollution Probe

Michael Brophy Consulting Inc.

Tel: 647-330-1217

[michael.brophy@rogers.com](mailto:michael.brophy@rogers.com)

**School Energy Coalition**

**Mark Rubenstein**

Counsel

Shepherd Rubenstein Professional Corporation

Tel: 647-483-0113

[mark@shepherdrubenstein.com](mailto:mark@shepherdrubenstein.com)

**Jay Shepherd**

Counsel

Shepherd Rubenstein Professional Corporation

Tel: 416-804-2767

[jay@shepherdrubenstein.com](mailto:jay@shepherdrubenstein.com)

**Brian McKay**

Ontario Education Services Corporation

Tel: 416-340-2540

[SEC@oesc-cseo.org](mailto:SEC@oesc-cseo.org)

**Six Nations Natural Gas  
Company Limited**

**Tracy Skye**

Six Nations Natural Gas Company Limited

Tel: 519-445-4213

[tracy@sixnatgas.com](mailto:tracy@sixnatgas.com)

Enbridge Gas Inc.

EB-2024-0125

**APPLICANT & LIST OF INTERVENORS**

**July 22, 2024**

**Six Nations Natural Gas  
Company Limited**

**Linda Wainewright**

Wainewright Consulting Ltd.

Tel: 905-467-6997

[wainewright@sympatigo.ca](mailto:wainewright@sympatigo.ca)