

August 7, 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. (“Enbridge Gas”, or the “Company”)
EB-2024-0111 – 2024 Rebasing and IRM – Phase 2
Enbridge Gas preliminary response to HRAI motion**

We represent Enbridge Gas.

In its Notice of Motion seeking answers to interrogatories and undertakings, HRAI requests that the entire Phase 2 proceeding be paused until the motion is determined.

Enbridge Gas will respond to HRAI’s motion in short order. However, as a first step we write to object to HRAI’s procedural proposal.

It is not necessary, efficient or advisable for the OEB to suspend the entire proceeding in order to first determine HRAI’s motion which relates to one discrete issue among the 27 issues being determined in this Phase 2 proceeding. Parties have been working on the basis of the schedule set out in Procedural Order No. 2, and no other party has indicated that the schedule needs to be changed. It is preferable and appropriate that the schedule continue, with modifications only as needed to accommodate the steps relevant to HRAI’s issue (which is Issue 27 in the Issues List).

Background

On August 6, 2024, the Heating, Refrigeration and Air-Conditioning Institute of Canada (HRAI) filed a motion seeking to compel Enbridge Gas to answer certain interrogatories and technical conference questions that were declined and/or that HRAI says have not been completely answered.

In its Notice of Motion, HRAI also requests an order “suspending such of the remaining schedule for the proceeding as may be affected, until this motion is heard and a determination made, and in particular suspending the date intervenors and OEB Staff are required to file evidence, as well as the dates for interrogatories and responses on that evidence.”

HRAI also requests that the motion be heard orally “in order to move the proceeding forward as efficiently as possible”.

Enbridge Gas Response on Procedural Items

Enbridge Gas will respond fully to HRAI's motion. However, time is of the essence to address the procedural items raised by HRAI.

Enbridge Gas notes that HRAI's motion is entirely directed at information that is solely relevant to Issue 27 in this Phase 2 proceeding (Has Enbridge Gas demonstrated that Enbridge Sustain's activities are not funded through rates?). The information being requested does not bear on the other issues in Phase 2.

Procedural Order No. 2 set out a schedule for the steps in this Phase 2 proceeding, up to and including a Settlement Conference. Enbridge Gas has made immense efforts to meet this schedule, including answering more than 1300 interrogatories (including subparts), presenting witness panels for four days for the technical conference and answering more than 100 undertakings arising from the technical conference. All of this was done to meet the OEB's deadlines and maintain the schedule.

The next steps are the filing of intervenor evidence (on August 12th), followed by written discovery on the intervenor evidence. Three parties plan to file intervenor evidence – OEB staff, Environmental Defence/GEC and HRAI. According to the evidence outlines provided by OEB staff and Environmental Defence/GEC, none of their proposed evidence will touch on the details of the Enbridge Sustain business at all. There appears to be no reason, therefore, for the filing of this evidence to be delayed/suspended.

While the Company will dispute the merits of the HRAI motion, HRAI may be of the view that if the motion is successful, then additional information obtained through the motion could be used for HRAI's evidence. Enbridge Gas therefore acknowledges it would be fair to suspend the filing date for that evidence.

The next step in the Phase 2 proceeding is the Settlement Conference. It is scheduled for September 10 to 12, 2024. It is important to Enbridge Gas that these dates be maintained. As the Company has explained throughout (in letters dating back as far as October 2023), the Company aims to do all that it can to have 2025 rates in place for January 1, 2025. It is for that reason that Enbridge Gas proposed filing the Phase 2 evidence in October 2023.

Enbridge Gas believes that it may be possible for HRAI to file its evidence before the Settlement Conference. Even if that is not possible, Enbridge Gas believes that the Settlement Conference can proceed as scheduled. If it became necessary to re-convene the Settlement Conference for a short time to consider Issue 27 at a later date, that could be possible (Enbridge Gas notes that this type of approach has been used in the past for discrete issues such as the EGD Open Bill program).

Suspending the dates for the entire Phase 2 proceeding at this point, to accommodate filing of evidence on one discrete issue which has only modest ratemaking implications (Enbridge Gas says there are none), is not necessary or appropriate. Given the OEB's busy calendar in the Fall, this could lead to significant delays.

HRAI indicates in its Notice of Motion that it would be most efficient to hear the motion orally. That is not clear to Enbridge Gas, given the difficulties of coordinating schedules during the summer vacation season. Enbridge Gas suggests that it could be more efficient to provide

written submissions on the motion. The Company could provide its submissions by Friday, August 16th, recognizing that HRAI would likely want to have a week for its reply submission.

Please let us know if you have any questions.

Yours truly,

AIRD & BERLIS LLP



David Stevens

c: all parties in EB-2024-0111