



Enbridge Gas Inc.

**Application to change its natural gas rates and other
charges beginning January 1, 2024**

**PROCEDURAL ORDER NO. 3
August 8, 2024**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B), seeking approval for changes to the rates that Enbridge Gas charges for natural gas distribution, transportation and storage, beginning January 1, 2024. The OEB is currently reviewing the second of three phases of the application.

Motion by the Heating, Refrigeration and Air Conditioning Institute of Canada

On August 6, 2024, the Heating, Refrigeration and Air Conditioning Institute of Canada (HRAI) filed a Notice of Motion requesting an order requiring Enbridge Gas to provide “full and adequate responses” to certain interrogatories, technical conference questions and undertakings arising from the technical conference.

The Notice of Motion also asks for “[a]n 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 proposed that its motion be heard orally.

Enbridge Gas filed a letter on August 7, 2024. While Enbridge Gas “acknowledges it would be fair to suspend the filing date” for HRAI’s evidence, it objects to suspending any other deadlines that have been established. (The deadline for HRAI and other intervenors (and OEB staff) to file evidence is August 12, 2024.) Enbridge Gas also “suggests that it could be more efficient” to deal with the motion in writing.

Later that day HRAI filed a letter advising that following discussions with Enbridge Gas there was agreement on a proposed procedural path forward: “HRAI therefore proposes, with the consent of EGI, that only the HRAI evidence deadlines be deferred at this time, and that the HRAI motion be heard by the Commissioners orally either late next week or early the following week.”

With respect to Undertaking JT4.16, Enbridge Gas redacted certain information from the “management financial package” on grounds of irrelevance. In its motion, HRAI asks for an unredacted version. If counsel for HRAI believes that access to the unredacted version is required to make submissions on the motion and signs a solicitor’s undertaking, in accordance with Rule 7, 2-11 of the Rules of Professional Conduct established by the Law Society of Ontario, that the information will not be shared with anyone, including HRAI, and that the information will be used for the sole purpose of arguing the motion, Enbridge Gas shall provide it to counsel for HRAI.

Hearing of the Motion

The OEB will hold a hearing on HRAI’s motion on August 16, 2024 at 9:30 a.m. The hearing will be virtual, with no in-person option. Instructions for joining the virtual hearing will be provided in due course.

If any party other than HRAI and Enbridge Gas wishes to make submissions on the motion, it must advise the OEB in writing by August 14, 2024 and indicate whether it supports or opposes the motion.

HRAI will have 45 minutes for its argument-in-chief plus 15 minutes for reply. Enbridge Gas will have 60 minutes. Any other parties will each have 10 minutes.

Other Deadlines

The OEB will suspend the deadlines for HRAI to file evidence and for other parties to ask interrogatories on that evidence. Further direction will be provided when the motion is decided. All other deadlines remain unchanged.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The OEB will hear HRAI’s motion on **August 16, 2024 at 9:30 a.m.**
2. If any party other than HRAI and Enbridge Gas wishes to make submissions on the motion, it must advise the OEB in writing by **August 14, 2024** and indicate whether it supports or opposes the motion.
3. Upon receipt of a solicitor’s undertaking from counsel for HRAI, Enbridge Gas shall provide forthwith an unredacted copy of Undertaking Response JT4.16.
4. The deadline for HRAI to file evidence is suspended until further notice.

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-2024-0111** 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 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 at the address below 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, Khalil Viraney, at Khalil.Viraney@oeb.ca and OEB Counsel, Ian Richler, at Ian.Richler@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, August 8, 2024

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar