



**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 8  
November 8, 2024 (Revised November 11, 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.

**Environmental Defence Motion Hearing**

On November 4, 2024, Environmental Defence filed a notice of motion requesting “an order that Enbridge Gas provide additional detail regarding the possible options to reduce its financial incentive to connect as many customers as possible and to stop customers from leaving its system.”

Environmental Defence proposed that the motion be heard in writing and that Environmental Defence be afforded an opportunity to respond to any submission from Enbridge Gas regarding the requested relief.

On November 8, 2024, Enbridge Gas filed responding submissions on Environmental Defence’s motion. Enbridge Gas has agreed to respond to three of the four information requests raised in Environmental Defence’s motion.

The OEB will hold a virtual hearing on the remaining information request in Environmental Defence’s motion on **November 18, 2024** at 9:30 a.m.

If any party other than Environmental Defence and Enbridge Gas wishes to make submissions on the motion, it must advise the OEB in writing by **November 15, 2024** and indicate whether it supports or opposes the motion.

Environmental Defence will have 20 minutes for its argument-in-chief plus 10 minutes for reply. Enbridge Gas will have 30 minutes. Any other party will each have 10 minutes.

### Updated Evidence

On November 7, 2024, Enbridge Gas filed a letter advising that it plans to file updates to its evidence related to two unsettled issues (meter reading metrics and Low Carbon Gas Supply). Enbridge Gas noted that it would file these updates by November 15, 2024.

In its November 8 reply submission on Environmental Defence's motion, Enbridge Gas agreed to provide responses to the latter three requests in the motion.

Enbridge Gas's responses to the latter three requests in Environmental Defence's motion shall be filed with its evidence updates by **November 15, 2024**.

### Submissions on Settlement Proposal and Draft Rate Order

A settlement conference commenced on September 10, 2024, and continued until October 9.

On November 4, 2024, Enbridge Gas filed a partial settlement proposal reflecting a substantial settlement of the issues for Phase 2. Enbridge Gas also filed a draft rate order for updated 2024 interim rates and 2025 interim rates, along with draft accounting orders reflecting the partial settlement proposal.

The OEB is extending the deadline for the filing of OEB staff's submission on the settlement proposal to **November 14, 2024** (from November 12). The OEB notes that this will allow OEB staff to address both the settlement and the draft rate order in a single submission. Intervenors wishing to file comments on the draft rate order shall file comments (if any) by **November 14, 2024**. Enbridge Gas shall file its responses to any comments by **November 18, 2024**.

### Settlement Presentation

The OEB is scheduling a virtual presentation of the settlement proposal by Enbridge Gas on **November 18, 2024**, immediately following Environmental Defence's motion hearing.

The OEB would appreciate a full presentation of the entire settlement proposal. Following Enbridge Gas's presentation, the OEB will have an opportunity to ask clarifying questions on the settlement proposal. The OEB asks Enbridge Gas to file any

materials relating to this virtual presentation day in advance. Parties to the settlement proposal may attend the virtual presentation day.

Instructions for joining the virtual settlement presentation and motion hearing will be provided in due course.

### **Hybrid Hearing on Unsettled Issues**

In Procedural Order No. 7, the OEB set a November 19, 2024 date for the commencement of a hybrid (in-person and virtual) hearing on any unsettled issues. The OEB is rescheduling the hearing.

The OEB will hold a hybrid hearing on **December 17** and **December 18, 2024**.

The hearing will be held in the OEB's hearing room at 2300 Yonge Street, 25th floor. Parties will also be able to participate virtually; further information in that regard will be communicated to parties closer to the hearing start date.

Enbridge Gas shall make every effort to have its own staff witnesses available in person at the oral hearing. Intervenors can choose if they would like to attend, and cross-examine, in person or virtually.

The OEB expects parties to work directly with OEB staff to develop an effective hearing schedule. The OEB also expects parties to coordinate efforts and be mindful of the amount of hearing time available. OEB staff will contact the parties directly to begin the process of preparing a hearing schedule.

All responses to undertakings from the hearing shall be filed with the OEB and sent to all other parties no later than **January 17, 2025**.

### **Written Arguments**

The OEB is also scheduling dates for the filing of Enbridge Gas's argument-in-chief and final written submissions on the unsettled issues at this time. The dates are set out below.

### **OEB Staff Request for Confidential Treatment of PEG Working Papers**

OEB staff requested confidential treatment of the working papers supporting the expert evidence, Exhibit M3: Empirical Research for Enbridge Gas IR, by Pacific Economics Group Research LLC (PEG) in their entirety. OEB staff stated that the working papers

are underlying datasets and models of PEG and is presumptively considered to be confidential under the Practice Direction.

OEB staff further stated that the working papers contain data and program code that PEG has developed, or that PEG has acquired from commercial third-party vendors that may be under agreements for public non-disclosure and would have commercial value to PEG's competitors.

No parties objected to OEB staff's request.

## Findings

The OEB finds the working papers supporting PEG's expert evidence is commercially sensitive and grants OEB staff's request for confidential treatment in their entirety. Confidential treatment of the working papers of PEG and other economic consultants has been granted by the OEB in previous proceedings.

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:

### OEB Staff Submission on Settlement Proposal

1. Any submission from OEB staff on the settlement proposal and draft rate order shall be filed with the OEB and sent to all parties by **November 14, 2024**.
2. Any comments from intervenors on the draft rate order shall be filed with the OEB and sent to all parties by **November 14, 2024**.
3. Responses to any comments from Enbridge Gas on the draft rate order shall be filed with the OEB and sent to all parties by **November 18, 2024**.

### Updated Evidence

4. Enbridge Gas shall file its updated evidence and responses to the latter three requests in Environmental Defence's motion by **November 15, 2024**.

### Settlement Presentation and Motion Hearing

5. The OEB will hear Environmental Defence's motion on the remaining contested information request on **November 18, 2024, starting at 9:30 a.m.** The OEB will

hear the presentation of the settlement proposal immediately afterwards. This will be done virtually.

6. If any party other than Environmental Defence and Enbridge Gas wishes to make submissions on the motion, it must advise the OEB in writing by **November 15, 2024** and indicate whether it supports or opposes the motion.

### Hybrid Hearing on Unsettled Issues

7. The OEB will convene a hybrid hearing on the unsettled issues at the OEB's hearing room at 2300 Yonge Street, 25<sup>th</sup> floor, Toronto, starting at 9:30 a.m. on **December 17** and continuing on **December 18, 2024**.
8. Responses to undertakings from the hybrid hearing shall be filed with the OEB and sent to all other parties by **January 17, 2025**.

### Written Arguments

9. Enbridge Gas shall file its argument-in-chief on the unsettled issues with the OEB and send it to all parties by **January 30, 2025**.
10. OEB staff and intervenors shall file any written arguments with the OEB and send them to all parties by **February 10, 2025**.
11. Enbridge Gas shall file its written reply argument with the OEB and send it to all parties by **February 24, 2025**.

### Confidentiality

12. OEB staff's request for confidential treatment of PEG's working papers is granted. OEB staff shall provide individuals that have signed and filed a Declaration and Undertaking with the working papers.

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](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 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](mailto:Khalil.Viraney@oeb.ca) and OEB Counsel, Ian Richler, at [Ian.Richler@oeb.ca](mailto:Ian.Richler@oeb.ca).

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

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

**DATED** at Toronto, **November 8, 2024 (Revised November 11, 2024)**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar