



Enbridge Gas Inc.

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

**PROCEDURAL ORDER NO. 9
December 6, 2024**

Enbridge Gas Inc. 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.

Hybrid Hearing Scheduling

In Procedural Order No. 8, the OEB scheduled a hybrid hearing on the unsettled issues to commence on December 17 and continue on December 18. Parties have now provided OEB staff with their proposed topic areas and time estimates. The total estimated time exceeds that available in a two-day hearing.

The OEB is making provision for an additional day for the hybrid hearing. The hybrid hearing will commence on December 17 and continue through December **19, 2024**, if necessary.

A draft schedule for the hybrid hearing is attached to this procedural order. The OEB has made reductions to the time estimates provided by parties to accommodate the time available in a three-day hearing. The OEB expects that parties will coordinate efforts to adhere to the schedule and avoid duplication.

Enbridge Gas also provided OEB staff and parties with its proposed witness panels for the hearing. Enbridge Gas is proposing a witness panel to respond to Environmental Defence's evidence related to revenue decoupling from customer numbers. The OEB requires that Enbridge Gas file with the OEB a written outline of the evidence from this responding witness panel by **December 11, 2024**. This will assist the OEB and the parties in preparing for the hearing.

By letter dated, December 3, 2024, Enbridge Gas submitted that the revenue decoupling evidence of Environmental Defence's expert, Current Energy Group (CEG), should be presented and tested before cross examination of Enbridge Gas's witness panel on this issue. In its response, Environmental Defence argued that the burden of proof is on Enbridge Gas and not Environmental Defence.

Both Enbridge Gas and Environmental Defence filed evidence on the IRM issues, and that evidence has been subject to discovery. The IRM issue was then subject to discussion in the settlement conference and a partial settlement was reached, subject to the resolution of the revenue decoupling issue raised by Environmental Defence. The OEB has decided that the next step is to hear evidence from CEG on revenue decoupling, to be followed by the Enbridge Gas witness panel on this issue. This does not change the statutory burden of proof on an applicant to establish that the rates it applies for are just and reasonable. Nor does it change the authority of the OEB to fix such other rates that are just and reasonable, where that onus has not been met.¹ As always, the OEB will make its decision based on the entirety of the evidentiary record.

Environmental Defence proposed that its expert, Energy Futures Group (EFG), provide a presentation summarizing the Phase 1 EFG evidence relevant to the Phase 2 issue related to revenue decoupling. Enbridge Gas objected to this proposal and Environmental Defence filed further submissions in this regard on December 4, 2024.

The OEB accepts Environmental Defence's proposal to have EFG give evidence on those aspects of its report in Phase 1 that are relevant to Phase 2 and requires that Environmental Defence provide a written outline of this aspect of EFG's Phase 1 evidence by **December 11, 2024**. This evidence will assist the hearing process, recognizing that two commissioners have been added to the Phase 2 panel since the completion of Phase 1.

It is necessary to make provision for the following matters related to this proceeding. The OEB has not amended the dates for any other procedural steps in this proceeding

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The OEB will convene a hybrid hearing on the unsettled issues at the OEB's hearing room at 2300 Yonge Street, 25th floor, Toronto, starting at 9:30 a.m. on **December 17** and continuing, as necessary, through **December 19, 2024**.

¹ OEB Act, ss, 36 (5) and (6)

2. Enbridge Gas and Environmental Defence shall file with the OEB a written outline of the evidence it proposes for the hearing, as described in this procedural order, by **December 11, 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-2024-0111** 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, **December 6, 2024**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

Schedule A

Enbridge Gas Inc.

EB-2024-0111

Draft Hearing Schedule

CEG = Current Energy Group, EFG = Energy Futures Group (Consultants of Environmental Defence)

MRPM = Meter Reading Performance Metric, RD = Revenue Decoupling, LCVP = Low Carbon Voluntary Program

| Adjusted Time Estimates for Oral Hearing | | | | | | |
|--|----------------|--------------------|--------------------|--------------------|----------------------|-------|
| Name of Party | Panel 1 - MRPM | Panel 2 - CEG - RD | Panel 3 - EGI - RD | Panel 4 EGI - LCVP | Panel 5 - EFG - LCVP | |
| Direct Examination | 10 | 20 | 5 | 10 | 20 | 65 |
| BOMA | 20 | 0 | 0 | 0 | 0 | 20 |
| CCC | 20 | 15 | 0 | 20 | 10 | 65 |
| Energy Probe | 0 | 20 | 0 | 20 | 20 | 60 |
| Environmental Defence | 0 | 0 | 120 | 20 | 0 | 140 |
| FRPO | 20 | 10 | 0 | 10 | 0 | 40 |
| LPMA | 0 | 0 | 0 | 15 | 0 | 15 |
| IGUA | 0 | 20 | 10 | 20 | 20 | 70 |
| Minogi/TFG | 0 | 15 | 15 | 20 | 20 | 70 |
| OEB Staff | 10 | 20 | 0 | 20 | 5 | 55 |
| Pollution Probe | 0 | 20 | 20 | 20 | 20 | 80 |
| SEC | 5 | 20 | 20 | 10 | 5 | 60 |
| VECC | 20 | 20 | 20 | 20 | 20 | 100 |
| Enbridge Gas | 0 | 60 | 0 | 0 | 60 | 120 |
| | 105 | 240 | 210 | 205 | 200 | 960 |
| | | | | | Hours | 16.00 |