



By EMAIL and RESS

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December 3, 2025
Our File: 20240198

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Ritchie Murray, Acting Registrar

Dear Mr. Murray:

Re: EB-2024-0198 – Enbridge DSM Plan – Objection to Cost Claim

We are counsel to the School Energy Coalition (“SEC”). We have received Enbridge’s November 27, 2025 objection to the SEC cost claim. This is SEC’s response.

This response deals with three specific items in the objection:

1. ***Enbridge objects that the time spent by SEC was excessive in the circumstances.*** SEC notes that we spent 41.7 hours on the original multi-year application by EGI, including co-ordinating with several other parties (although SEC was not part of the collaboration pilot), searching for expert witnesses, reviewing the Application itself and comparing it to past filings, making submissions on the issues list and reviewing the submissions of others in that regard. This accounted for about \$15,000 of the \$32,000 (net of HST) cost claim.

Then, Enbridge sought an abeyance, and SEC stood down its activities while that was in place. During that period SEC spent 6.2 hours (about \$2,000), mostly monitoring the correspondence of various types, and reviewing the Achievable Potential Study. Finally, SEC spent another 41.7 hours, or about \$15,000, on the new Application for a rollover. This included reviewing the new evidence, preparing for and attending the Technical Conference held in lieu of interrogatories, participating fully in the dispute on the confidentiality claim by EGI (including reviewing in detail a lengthy agreement, most of which was not confidential), and then making submissions on the Application itself (including co-ordinating with other parties, as SEC always does).

In short, this was not a simple one-year rollover application. The time spent on the rollover itself, particularly given the way the process unfolded, and in light of the specific problems with the rollover (see below), was not out of line with others. The time spent on the initial Application was a prudent head start on what was going to be a complex process, and is exactly what the OEB should expect from experienced intervenors. Nothing in the work that was done was inefficient or improper.

2. ***Enbridge objects that SEC proposed a social cost of carbon that was not in scope.*** This is incorrect, and EGI admits as much.

In fact, SEC and other parties were presented with a problem. It was not going to be possible to rollover most of the EGI DSM programs within the existing DSM Framework, because the largest single program was no longer cost-effective. The whole point of the DSM Framework is to support the funding and delivery of cost-effective DSM programs.

This was largely because a significant cost – the “economic” (not social – in fact, we explicitly said as much) cost of carbon – was being reduced to zero. Faced with that conundrum, SEC had only one option within the DSM Framework: oppose the rollover of the programs that were not cost-effective. SEC did not feel that abrupt termination of residential DSM programs was wise at this time, so looked for another option. The social cost of carbon was not open for debate. The only alternative would be to increase the non-monetary benefits percentage. This would do the least violence to the DSM Framework, and allow the programs to continue for another year.

SEC’s position was not accepted, but we note that the Commissioners did implement a solution that had the same impact. The Commissioners allowed the programs that are not cost-effective to continue for a year despite the problems with that, but noted that in the multi-year plan that cost-effectiveness issue and its impact on the TRC-Plus analysis would have to be addressed.

3. ***Enbridge objects that SEC’s representative is not qualified to make proposals such as increasing the non-monetary benefits adder, and would have to hire an expert to do so.*** Aside from the fact that SEC’s representative has spent thousands of hours on Enbridge DSM matters, and so has at least some knowledge of how they should be pursued, SEC did not in fact provide evidence to support any change to the non-monetary benefits adder, and did not purport to do so. This argument is simply Enbridge trying to make something out of nothing.

What SEC proposed in its submissions is not that the Commissioners re-assess the non-monetary benefits adder. There was no evidence to support that, and we said so. Instead, we specifically said “*We note that we are not proposing that the OEB make a determination at this time on nonmonetary benefits or the cost of carbon, given the procedural order that excluded that from this part of the proceeding. Rather, we are proposing that the OEB maintain the status quo ante for 2026 with respect to non-monetary benefits.*”

EGI characterizes this as being “creative”, and claims that we “disguised” our submission on the social cost of carbon through the use of the term non-monetary benefits. That is not truthful. We in fact said that the social cost of carbon would likely be a different amount, and in any case there were many issues to address (in the multi-year plan) before dealing with that. We even listed them.

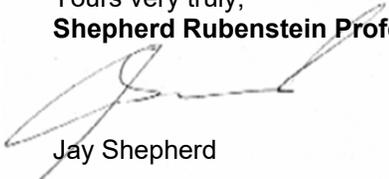
This is exactly what stakeholders participating in OEB proceedings are supposed to do. When there is a problem to be solved, we are supposed to look at the record and propose solutions to that problem. In this case, the problem was programs that were not cost-effective. We proposed a temporary (pragmatic, we called it) solution. The fact that the Commissioners chose a different solution that produced a similar result does not mean that SEC’s submissions were improper or inappropriate.

SEC therefore submits that our cost claim in this matter should be approved as filed.

All of which is respectfully submitted.

Yours very truly,

Shepherd Rubenstein Professional Corporation



Jay Shepherd

cc: Brian McKay, SEC (by email)
Interested Parties (by email)