

May 12, 2026

Ian A. Mondrow
Direct 416-369-4670
ian.mondrow@gowlingwlg.com

VIA RESS

Mr. Ritchie Murray, Registrar
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Mr. Murray:

Re: EB-2025-0295: Enbridge Gas Inc. (EGI) Application for Multi-Year Natural Gas Demand Side Management Plan (2027-2030)

Industrial Gas Users Association (IGUA) Evidence

We are counsel to IGUA and write pursuant to Procedural Order No. 3 to address IGUA's intent regarding the filing of evidence.

Context

During EGI's 2022-2027 Multi-Year Natural Gas DSM Plan proceeding IGUA advocated for discontinuation of EGI's Large Volume Customer (LVC) DSM Program, or in the alternative for an opt-out option for LVCs. In its Decision and Order¹ the OEB directed exclusion of gas fired power generators from the LVC DSM Program but continuation of the program for other LVCs. In respect of LVC opt-out, the OEB expressed the view that "*more evidence is required before an opt-out provision can be implemented*", and directed as follows:

Enbridge Gas is expected to work with relevant stakeholders, such as IGUA, to develop opt-out protocols and share with the SAG for input. The resulting opt-out framework, if supported by large volume customers, should be included as part of Enbridge Gas's next DSM plan application.

The OEB provided further direction in respect of IGUA's arguments specifically, as follows:

The OEB encourages IGUA to canvass its members with the expectation that better evidence, including the number of IGUA members that either do or do not support the continuation of the Large Volume program, can be considered by the OEB as part of Enbridge Gas's next DSM plan application.

¹ EB-2021-0002, *Decision and Order*, November 15, 2022, pages 43-44.

As part of its pre-filed evidence in the current application EGI has indicated that an early canvassing of LVCs for a non-binding indication of anticipated election to opt-out of the DSM program, should an opt-out option be approved, resulted in a 50% response rate, and in 94% of respondents indicating that they anticipated opting out if the option were made available. EGI has proposed an LVC opt-out option, along with modifications to its LVC DSM Program.

Potential Evidence

While P.O. No. 3 indicated that parties were to indicate an intention to file “expert evidence”, and evidence regarding IGUA’s members’ views on EGI’s LVC proposal would not be “expert evidence”, given the Board’s previous directions we thought it appropriate to provide this indication of IGUA’s intent to potentially file evidence.

As noted above, EGI has provided some preliminary evidence on this topic, and more may yet be elicited through the upcoming interrogatory process. Following the interrogatory process IGUA will consider whether additional “industry evidence” could and should be brought forward to support IGUA’s position in favour of the proposed opt-out proposal and assist the OEB in its deliberations thereon.

Should IGUA proceed with such evidence, there would be no expert costs entailed. We don’t anticipate significant incremental legal counsel time on the preparation of any such evidence since similar preparation time would be required to develop and present IGUA’s position on EGI’s LVC proposal in any event. There would be some incremental counsel time related to an interrogatory process on such evidence, and an in-person witness appearance should one be convened. While it is difficult to predict how much incremental IGUA counsel time would be required, we do not anticipate that the costs associated with such time would materially exceed \$15,000 (equivalent to ~40 hours).

Conclusion

We will be in a better position to determine whether IGUA will seek to file evidence as outlined above, and if so the extent of such evidence, following review of EGI’s responses to interrogatories. In the interim, we trust that the advice contained in this letter is of assistance to the OEB.

Yours truly,



Ian A. Mondrow

c. Nazim Sebaa, IGUA
Haris Ginis, EGI
Dennis O’Leary, EGI Counsel
Intervenors of Record

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