

May 19, 2026

**VIA EMAIL:**

**Ritchie Murray**  
**Registrar**  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4

Dear Mr. Murray:

**Re: Enbridge Gas Inc.**  
**2027-2030 Demand Side Management Plan Application ("Application")**  
**Ontario Energy Board ("OEB") File Number: EB-2025-0295**  
**Response to Intervenor Requests to File Evidence**

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We are counsel to Enbridge Gas Inc. ("**Enbridge Gas**" or the "**Company**"). Pursuant to Procedural Order No. 3 dated May 4, 2026 ("**PO #3**"), this is the response of Enbridge Gas to the letters filed by several parties seeking leave to file expert and other evidence. The following parties filed requests for leave to file evidence:

1. Environmental Defence/Green Energy Coalition ("**ED/GEC**")
2. The Small Business Utility Alliance ("**SBUA**")
3. Building Owners and Managers Association Toronto ("**BOMA**")
4. Industrial Gas Users Association ("**IGUA**")

Enbridge Gas believes that it is first appropriate to make several comments of a broader nature in response to the requests seeking leave to file evidence. This will be followed by responses specific to the above noted parties.

**General Comments**

In its Decision and Order in the previous DSM Multi-Year Plan Application filed by Enbridge Gas (EB-2021-0002),<sup>1</sup> the OEB required the establishment of a DSM Stakeholder Advisory Group ("**SAG**") "to allow for a more efficient and effective regulatory process".<sup>2</sup> The SAG was struck and included the participation of various individuals with relevant DSM experience who provided advice, analysis, and comments to the group. The SAG included Mr. Chris Neme of the Energy Futures Group, and Mr. Francis Wyatt, of the Green Energy Economics Group. ED/GEC and the

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<sup>1</sup> EB-2021-0002, OEB Decision and Order, November 15, 2022.

<sup>2</sup> Ibid, p. 92.

SBUA have proposed that these individuals be granted leave to file expert evidence and to appear as witnesses in this Application.

The SAG held 38 meetings between April 2023 and October 2024 not including the numerous additional meetings specifically convened to discuss and review various aspects of the 2024 Achievable Potential Study.<sup>3</sup> The cost claims filed by SAG members, together with the time expended by Enbridge Gas staff and OEB Staff, who chaired the SAG, were significant.<sup>4</sup>

Ultimately, the SAG prepared an 89-page report summarizing its work. This report is filed in this Application together with a summary of the SAG's activities prepared by the Company.<sup>5</sup>

Importantly, the members of the SAG believed that their time and the costs incurred had value. This acknowledgment is captured in the final sentence of the General Process, Feedback and Future Considerations section of the SAG report which reads as follows:

*[T]he recommendations, most of which were consensus, related to program development should provide the basis for stakeholders to have confidence that industry experts have thoroughly reviewed key program concepts and proposals and have concluded that they are largely consistent with best practice and there are no material omissions.<sup>6</sup>*

It is the belief of Enbridge Gas, and presumably all members of the SAG and OEB Staff, that with the investment of time and resources into the group, there would be material savings in terms of this Application from a hearing and process perspective. This is particularly true in the case of program design issues where in many instances there was a broad consensus of SAG members about the appropriateness of the program offerings which are the subject of this Application. Enbridge Gas does not believe that it would be a prudent use of resources for the SAG's work to be simply "footnoted" without seeing any efficiencies realized in this proceeding.

The letters seeking leave to file expert evidence by ED/GEC and the SBUA (and possibly BOMA) propose to introduce evidence on a broad array of issues, including those considered and dealt with by the SAG. Enbridge Gas presumes that it was the intent of the OEB by the establishment of the SAG that many of the details associated with program design, research and development, and potential program opportunities would be considered and resolved as between the experts serving on the SAG before this proceeding. The SAG report confirms that there were many discrete items discussed in detail such as scorecard structure, net to gross savings levels, target adjustments, the shareholder incentive, attribution, program evaluation and cost effectiveness screening, which were all covered extensively by the SAG and would be duplicative to repeat in this proceeding.

The SAG Report also confirms that there was a substantial degree of consensus on these topics. Enbridge Gas therefore questions the appropriateness of additional industry expert evidence

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<sup>3</sup> Exhibit C, Tab 1, Schedule 4, p. 4.

<sup>4</sup> Enbridge Gas estimates the costs incurred by natural gas ratepayers specifically related to industry expert involvement in the SAG at approximately \$285,000. It should be noted that this figure does **not** include the costs of OEB Staff, the costs to facilitate SAG meetings, and intervenor consultative costs.

<sup>5</sup> Please see Exhibit C, Tab 1, Schedule 4, including Attachment 1.

<sup>6</sup> Exhibit C, Tab 1, Schedule 4, Attachment 1, p. 9.

opining on the same subjects in this proceeding. Enbridge Gas submits that the OEB should expressly direct intervenor experts to only focus on matters not dealt with by the SAG.

This is appropriate for a number of reasons. It would be inefficient to have additional industry expert input/review for topics that have already been discussed in some detail at the SAG, in some cases by the same individuals. Where there was a consensus or where a substantial majority of the SAG supported relevant portions of this Application, there should be less need for further expert evidence on such matters. Intervenors would have the opportunity to test what the SAG has recommended through the standard regulatory process, but the work of the SAG need not be repeated on the record through additional industry expert evidence.

The intervenors seeking leave to file expert evidence have given estimates of their costs to generate and file such evidence which at its upper limit totals \$258,000.<sup>7</sup> Enbridge Gas believes that with appropriate direction, obligating these intervenors to narrow the areas that their expert witnesses will address to areas not considered by the SAG, these costs would be materially reduced.

A second area for which a response of a general nature is appropriate relates to the apparent desire of several of the intervenors to introduce expert evidence in relation to foundational DSM Framework matters. As stated by the OEB in PO #3 at page 10, the OEB found that it is in the public interest to proceed with the current application for several reasons including that it is efficient to maintain the existing DSM Framework. As well, many of the OEB-approved issues in this proceeding ask if a particular issue is consistent with or responsive to the existing DSM Framework.<sup>8</sup> It is therefore not surprising that the OEB also stated in its Decision on the Issues List in EB-2024-0198 that “[b]ased on its experience with the DSM Framework in the previous proceeding, the OEB expects that this issue will not extend to proposals for a complete overhaul of the DSM Framework”.<sup>9</sup> Accordingly, Enbridge Gas believes that the OEB should make it clear that the experts' evidence that is permitted does not extend to proposing fundamental changes to the DSM Framework.

It should be recalled that this Application was designed and will be evaluated based upon its consistency with the existing OEB-approved DSM Framework. Funding expert evidence and making submissions about proposed changes to fundamental aspects of the DSM Framework should be ruled out of scope. Such submissions may be relevant for the next Multi-Year DSM Plan and should be made in the context of a DSM Framework hearing, but the OEB should make it clear that such submissions are not appropriate in this proceeding.

### **Submissions Specific to Intervenor Requests**

#### ED/GDC

Enbridge Gas notes that it is virtually impossible to respond specifically to ED/GEC's request for leave in respect of Mr. Neme's proposed evidence given the breadth of the request. It appears that leave is being sought to grant Mr. Neme liberty to file evidence that is responsive to every aspect of the entire Application (with the exception of those areas that might be raised by the

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<sup>7</sup> SBUA \$76,500; BOMA \$50,000, ED/GEC \$131,500 = \$258,000.

<sup>8</sup> For example, see Issues 3, 9 and 13 at PO #3, Schedule A.

<sup>9</sup> EB-2024-0198, Decision on Issues List and Procedural Order 2, April 10, 2025, pp. 11-12.

SBUA). The leave sought by ED/GEC is so broad that it would allow Mr. Neme to, in effect, generate and file an alternative DSM Plan rather than providing expert evidence on specific issues material to ED/GEC.

As noted earlier, program design and program opportunities were matters considered by the SAG. The Company does not believe it would be regulatorily efficient for Mr. Neme to delve into the same areas. The ED/GEC letter of Mr. Elson dated May 12, 2026 includes a list of items to which Mr. Neme might adduce evidence. This list includes “other topics” without specifically referencing such topics. It is submitted that this is wholly inappropriate as it would give Mr. Neme a licence to generate evidence on everything possible, including topics for which Mr. Neme is not an expert.

A request for leave from the OEB to file expert evidence requires sufficient information about and a description of the proposed areas that the expert evidence will address so that the OEB can make appropriate determinations about relevance, that it is within scope, and whether such evidence may be of benefit to the OEB for the purposes of its final decision. The OEB must be satisfied that the cost of such expert evidence will be of value to ratepayers who ultimately are responsible for such costs. Vague or open-ended descriptions of what issues an expert may address in his/her report, if accepted by the OEB, in effect transfers the decision about what expert evidence will be filed to the intervenor and the expert. This is wholly inconsistent with the requirement that leave be obtained.

### BOMA

The letter requesting leave to file expert evidence by BOMA came from Mr. Li of Enerlife Consulting Inc. (“Enerlife”). The expert witness proposed by BOMA is Mr. Ian Jarvis, who is President and founder of Enerlife.<sup>10</sup> In the interests of full disclosure, Enerlife is a party to a Consulting Agreement with Enbridge Gas in respect of various DSM program offers. Mr. Jarvis executed the agreement on behalf of Enerlife. This agreement relates to the Whole Building Pay For Performance Offering, currently delivered but not proposed to continue in this DSM Plan Application. While the Company acknowledges that Enerlife is the consultant to BOMA for the purposes of this proceeding, Enbridge Gas believes that it is appropriate to acknowledge that Mr. Jarvis may have a commercial interest in the outcome of this proceeding and his proposed evidence.

### SBUA

Enbridge Gas notes that counsel for the SBUA, Ms. Siemiatycki’s letter dated May 12, 2026 identifies many topics and issues which were matters considered by the SAG. As noted above, one of SBUA’s proposed expert witnesses is Mr. Wyatt who was a member of the SAG. Enbridge Gas reiterates its request that the OEB limit the scope of intervenor expert evidence such that it excludes issues that were addressed by the SAG.

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<sup>10</sup> See Enerlife Consulting Inc. website at: [www.enerlife.com/about/](http://www.enerlife.com/about/)

### IGUA

While Counsel to IGUA, Mr. Mondrow's letter dated May 12, 2026, does not seek leave to file expert evidence, it indicates that IGUA may determine that it is appropriate to file "industry evidence" at some point after the completion of the interrogatory process.

While Enbridge Gas does not oppose the introduction of such evidence, it is concerned by the uncertainty around the timing of the filing of such evidence. It is not clear from Mr. Mondrow's letter whether he is seeking leave now or if he intends to file a further request for leave in the future. Enbridge Gas believes that all decisions granting leave should be made contemporaneously by the OEB. This will avoid any delay which may result from IGUA making a supplemental request for leave.

### **Conclusion**

The comments made by Enbridge Gas above are driven by two important considerations: the need for a timely consideration of this DSM Application and to support the OEB's implementation of its 10-point Action Plan which the OEB generated in response to the Minister of Energy's 2024 Letter of Direction which emphasizes regulatory efficiency as a priority for the OEB. Intervenor expert evidence should not be repetitious of the substantial work undertaken by the SAG, which would result in natural gas ratepayers incurring duplicative consultant costs. Intervenor expert evidence should further not be permitted where it will unnecessarily complicate this proceeding and lead to inappropriate delays.

Enbridge Gas therefore submits that the OEB should:

- Expressly direct intervenor evidence to only focus on matters not already dealt with by industry experts through the SAG.
- Expressly direct intervenor evidence to only focus on matters that do not extend to fundamental changes to the DSM Framework.
- Not approve intervenor evidence proposals that are vague or open-ended descriptions of what issues an expert may address in his/her report (such as the proposal filed by ED/GEC).
- Issue a decision on all intervenor evidence proposals, including IGUA's, at this stage of the proceeding to avoid future delays.

Yours truly,

**Aird & Berlis LLP**



Dennis M. O'Leary  
Partner