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15 December 2008

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON
M4P 1E4

Dear Ms. Walli:

Re: EB-2008-0384 EGDI DSM Input Assumptions

Shortly before the end of day Friday deadline for submissions from intervenors we received a copy of Mr. O'Leary's letter of December 12th suggesting that EGD would be willing to provide copies of any reports supporting its proposed input assumptions.

We find this offer both disingenuous and inappropriate.

The Board has indicated that it prefers that technical, program and measure-level DSM matters be dealt with through consultations wherever possible. Throughout the last year, Enbridge elected to withhold information during key periods (such as the 2007 audit), to provide only summaries rather than full studies, to not respond to questions, or to respond only at the 11th hour. For the company to now offer information when timely consideration and discussion is not possible is both a failure to respect the Board's preferences and a discourtesy to the intervenors.

The company had an opportunity to gain the approval of the EAC and chose not to do so. The Board should not encourage such behaviour by allowing the company to, in effect, ambush the intervenors and litigate the matter now, especially in a process that is not designed to enable further discovery via interrogatories. As we have already suggested, the company can seek approval of these inputs in the audit process and should bear the risk until then.

Sincerely,

David Poch

Cc: all parties

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