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By electronic filing

January 16, 2023

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> floor  
Toronto, ON M4P 1E4

Dear Ms. Marconi

**Re: Enbridge Gas Inc. (“EGI”)  
EGI 2024 Rebasing Application  
Board File #: EB-2022-0200**

We are counsel to Canadian Manufacturers & Exporters (“CME”) in the above-noted proceeding. Pursuant to Procedural Order #1, OEB Staff was required to provide a letter by January 11, 2023, outlining its plans to file expert evidence in this proceeding. In the same procedural order, intervenors were required to provide notice by January 16, 2023 of their intention to file expert evidence.

On December 6, 2022, OEB Staff indicated that it might file expert reports on several areas, including overhead capitalization policy, depreciation methodology, the price cap plan proposed by EGI, and the capital structure of the utility (the “**Expert Evidence Topics**”).<sup>1</sup> On January 11, 2023, OEB Staff wrote a letter to the Board, and indicated that of the Expert Evidence Topics, it could only engage an expert in relation to EGI’s “price cap plan”.<sup>2</sup> For the other areas, Board Staff explained it encountered procurement-related issues. It determined it would not file expert evidence regarding the overhead capitalization policy, but explained it still hoped to engage experts on depreciation methodology and capital structure of the utility.

CME understands that the Industrial Gas Users Association (“IGUA”) is proposing to file expert evidence on three areas of the application, including depreciation, the “fair return” standard, and the capital structure of the utility having regard to the “business risk” EGI faces.

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<sup>1</sup> EB-2022-0200, December 6, 2022 Letter from Staff, Re: Enbridge Gas Inc. 2024 Rebasing Application (EB-2022-0200) – Filing of Expert Evidence by Ontario Energy Board Staff.

<sup>2</sup> EB-2022-0200, January 11, 2023 Letter from Staff, Re: Enbridge Gas Inc. 2024 Rebasing Application Filing of Expert Evidence by Ontario Energy Board (OEB) Staff.

These issues of are critical importance to ratepayers. EGI's proposals in these areas, should they be accepted as filed, will drive significant rate increases in rates for the duration of the rebasing term.

CME supports IGUA's proposal for expert evidence. CME submits that the inclusion of ratepayer evidence will always provide a more fulsome evidentiary record from which the Board can draw when making its decision. This is true regardless of whether or not Board Staff are able to file all of the expert evidence it is hoping to file. However, expert evidence filed by ratepayers is even more critical in instances where the Board would not have any other expert evidence to draw upon apart from that of the utility. In this case, IGUA's experts may, in certain areas, be the only expert evidence available to the Board apart from that sponsored by EGI. Accordingly, CME supports IGUA's proposed filing of expert evidence in this proceeding. Moreover, given the expenditures necessary to file this evidence, CME supports IGUA's request for an interim cost recovery in this proceeding as a means to assist intervenors in filing expert evidence.

Yours very truly,

**Borden Ladner Gervais LLP**



Scott Pollock  
SP/tb

c. Vincent Caron (CME)