



Enbridge Gas Inc.

**Application to change its natural gas rates and other
charges beginning January 1, 2024**

PROCEDURAL ORDER NO. 3

March 17, 2023

Enbridge Gas Inc. filed an application with the Ontario Energy Board (OEB) under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B), seeking approval for changes to the rates that Enbridge Gas charges for natural gas distribution, transportation and storage, beginning January 1, 2024. Enbridge Gas has also applied for approval of an incentive rate-making mechanism for the years 2025 to 2028.

Environmental Defence's Model and Model Output Request

Environmental Defence in a letter dated March 14, 2023, noted that Enbridge Gas declined to provide the model and model output dataset that underpin the Guidehouse pathways report that forms part of Enbridge Gas's evidence. Environmental Defence maintained that Enbridge Gas had not followed the OEB's *Practice Direction on Confidential Filings*. Environmental Defence further noted that the *Practice Direction* specifically states that a model of a consultant retained by a party is presumptively confidential and that parties can generally have access to these materials in accordance with the confidential arrangements set out in Part 6. Accordingly, Environmental Defence requested Enbridge Gas to file the materials confidentially.

In light of the relationship of this evidence to the approvals sought by Enbridge Gas, the OEB is of the view that the assertion that the requested information is proprietary in nature is an insufficient basis on which to refuse disclosure. Enbridge Gas shall immediately provide access to the requested information on a confidential basis to any party that has signed the OEB's Declaration and Undertaking and file a copy with the OEB on a confidential basis.

If Enbridge Gas seeks a ruling that the information is to be treated confidentially on a continuing basis, Enbridge Gas shall file its submission in support of that request no later than March 20, 2023. The submission should provide the basis on which Enbridge Gas asserts that the materials should remain confidential and should address why copyright and related intellectual property law principles provide insufficient protection in

the absence of confidential treatment. OEB staff and intervenors wishing to file responding submissions shall do so by March 22, 2023. Enbridge Gas may file a reply submission no later than March 24, 2023.

Technical Conference Dates

In Procedural Order No. 1, issued December 16, 2022, the OEB made provision for a transcribed technical conference starting on March 22, 2023 and continuing until March 28, 2023, if necessary. Parties were required to indicate, by March 15, 2023, the topic areas they wish to focus on at the technical conference and an estimate of the time required for each area of focus.

The total estimated time provided by all parties exceeds the currently scheduled five days for the technical conference. Accordingly, the OEB has decided to add three days to the technical conference. In order to complete the technical conference in eight days, some reduction to the time estimates was required. The technical conference will be scheduled from **March 22 to March 31, 2023**. The OEB expects that parties will coordinate to allow for an efficient technical conference.

The OEB recognizes the concurrent oral hearing for Elexicon Energy Inc.'s 2023 Rates proceeding¹ is scheduled on March 31, 2023. The OEB will try to accommodate the attendance of parties in both proceedings on a best efforts basis.

The OEB is also amending the date for responses to undertakings from the technical conference from April 6, 2023, as set out in Procedural Order No. 1, to **April 7, 2023**.

Technical Conference Schedule

The OEB has developed a draft schedule for the technical conference attached to this Procedural Order as Schedule A. The OEB has made reductions to the time estimates provided by parties to accommodate the time available in an eight-day technical conference.

All other dates set out in Procedural Order Nos. 1 and 2 remain unchanged.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

¹ EB-2022-0024

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. If Enbridge Gas wishes to file a submission that the requested Guidehouse model and model output dataset is to be treated confidentially on a continuing basis, it shall file its submission no later than **March 20, 2023**.
2. Any party wishing to file responding submissions on the basis for confidentiality in relation to the model and model output data set shall file its submission no later than **March 22, 2023**.
3. Enbridge Gas shall file a reply submission to any responding submissions, if any, no later than **March 24, 2023**.
4. A transcribed technical conference will be held on **March 22, 2023** starting at 9:30 a.m. and will continue until **March 31, 2023**, if needed.
5. Responses to undertakings from the technical conference shall be filed with the OEB and sent to all parties by **April 7, 2023**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2022-0200** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Khalil Viraney at Khalil.Viraney@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca and Ian Richler at Ian.Richler@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, March 17, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

Schedule A

Enbridge Gas Inc.

EB-2022-0200

Draft Technical Conference Schedule

Party	Panel 1 Original Time	Panel 1 Revised Time	Panel 2 Original Time	Panel 2 Revised Time	Panel 3 Original Time	Panel 3 Revised Time	Panel 4 Original Time	Panel 4 Revised Time	Panel 5 Original Time	Panel 5 Revised Time	Panel 6 Original Time	Panel 6 Revised Time	Panel 7 Original Time	Panel 7 Revised Time	Panel 8 Original Time	Panel 8 Revised Time	Panel 9 Original Time	Panel 9 Revised Time	Panel 10 Original Time	Panel 10 Revised Time	Panel 11 Original Time	Panel 11 Revised Time	TOTAL REQUESTED	Revised Time
ED	0		210	150	45	45	60	45	30	30	15	15	10	10	45	45	30	30	30	30	15	15	490	415
SEC	20	20	120	90	30	30	130	90	15	15	65	45	15	15	20	20	15	15	30	30	25	25	485	395
GEC	0		150	110			10	10	0				0		45	45	10	10	0		0		215	175
VECC					15	15	20	20			15	15	10	10	10	10	10	10	15	15	15	15	110	110
CCC	20	20	20	20	0		60	45	0		60	45	0		0		0		20	20	15	15	195	165
FRPO	20	20	0		30	30	75	50	240	180	15	15	90	60	30	30	0		60	45	15	15	575	445
IGUA	0		0		0		0		10	10	10	10	0	0	60	45	40	40	40	40	0		160	145
OEB staff	25	25	0		10	10	30	30	0		30	30	10	10	80	60	30	30	10	10	5	5	230	210
Pollution Probe	20	20	80	60	30	30	75	50	10	10	20	20	15	15	30	30	15	15	30	30	15	15	340	295
OGVG																							0	0
APPRO	5	5	5	5	0		0		10	10	0		0		0		0		10	10	0		30	30
OPI	0		0		0		0		0		0		30	30	0		0		30	30	0		60	60
Energy P	0		20	20	30	30	90	60	20	20	20	20	20	20	90	60	20	20	20	20	0		330	270
BOMA	0		30	30	10	10	10	10	10	10	0		5	5	0		0		0		5	5	70	70
Three Fires	60	45	60	45	0		0		0		0		0		0		15	15	0		0		135	105
Ginoogaming FN	60	45	20	20	0		0		0		0		0		0		0		0		0		80	65
CME	30	30	0		0		30	30	0		0		0		0		15	15	0		0		75	75
LPMA	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	110	110
QMA	15	15	0		0		0		0		0		0		0		0		0		0		15	15
City Kitchener	0		0		0		0		0		0		0		0		0		10	10	0		10	10
TransCanada PL	0		0		0		0		5	5	0		5	5	0		0		20	20	0		30	30
																							0	0
TOTAL	285	255	725	560	210	210	600	450	360	300	260	225	220	190	420	355	210	210	335	320	120	120	3745	3195

3745

Total requested time in hours 62.42

Total revised time in hours 53.25

375

3000

Revised Time in Days 8.52