



Enbridge Gas Inc.

**Motion to Review and Vary the December 21, 2023
Decision and Order in EB-2022-0200**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1
June 21, 2024**

On January 29, 2024, Enbridge Gas Inc. (Enbridge Gas) filed a Notice of Motion to review and vary certain aspects of the December 21, 2023 Decision and Order on Phase 1 of its application for 2024 natural gas rates (EB-2022-0200) rates.

On February 22, 2024, at Enbridge Gas's request, the OEB placed the motion in abeyance.

On May 29, 2024, Enbridge Gas filed a Fresh as Amended Notice of Motion (Motion) which replaced its original Notice of Motion filed on January 29, 2024. The Motion narrowed the scope of the motion to two issues (from five). The two aspects of the Phase 1 Decision that Enbridge Gas seeks to vary are:

1. The lengthening of the Average Useful Life of seven asset classes for depreciation purposes
2. The denial of the inclusion of undepreciated capital costs for integration capital in 2024 rate base

In its cover letter to the amended motion, Enbridge Gas asked the OEB to lift the abeyance and resume processing the motion. The OEB agreed to do so on June 4, 2024.

To access Enbridge Gas's Motion and other correspondence related to this matter, please visit www.oeb.ca/notice and use the file number EB-2024-0078.

The Threshold Question

Under Rule 43 of the OEB's *Rules of Practice and Procedure*, prior to proceeding to hear a motion to review on its merits, the OEB may determine, with or without a hearing, a threshold question of whether the motion raises relevant issues material enough to warrant a review of the decision or order on the merits.

In its Motion, Enbridge Gas specifically requested an opportunity to make written submissions on the threshold question in the event the OEB decides to address that question.

As a preliminary matter, before considering the merits of Enbridge Gas's Motion, the OEB will hear arguments, in writing, on the threshold question.

Intervenors and Cost Awards

This Notice of Hearing and Procedural Order No. 1 will be sent to all parties to the EB-2022-0200 proceeding. All intervenors in that proceeding are approved as intervenors in this motion. Intervenors that were determined to be eligible for costs in that proceeding are also eligible for costs in the motion.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Enbridge Gas will be liable for any approved intervenor costs.

Written Submissions

Parties are invited to make written submissions on the threshold question. A schedule for written submissions is set out below.

If the OEB determines that the motion meets the threshold under Rule 43, the OEB will set out a process to hear submissions on the merits of the motion. The OEB notes that Enbridge Gas has asked that the process allow for oral submissions.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas may file a written submission on the threshold question under Rule 43 of the OEB's *Rules of Practice and Procedure*, and serve it on all other parties, by **July 10, 2024**.
2. Any written submission by intervenors and OEB staff on the threshold question must be filed with the OEB and served on Enbridge Gas and all other parties by **July 29, 2024**.
3. Any reply submission by Enbridge Gas must be filed with the OEB and served on all other parties by **August 15, 2024**.

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-2024-0078** 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 [Filing Systems 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, Ian Richler, at Ian.Richler@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, June 21, 2024

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar