



EB-2005-0001

IN THE MATTER OF the *Ontario Energy Board Act* 1998, S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas commencing January 1, 2006.

DECISION ON MOTION

Enbridge Gas Distribution Inc. ("EGDI", or the "Applicant" or the "Company") filed an Application, dated March 18, 2005, with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act 1998*, S.O. 1998, c.15, (Schedule B). The Board assigned file number EB-2005-0001 to the Application and issued a Notice of Application dated April 13, 2005.

Pursuant to Procedural Order Nos. 1 and 4, TransCanada PipeLines Limited ("TCPL"), the Consumers Counsel of Canada ("CCC"), the Industrial Gas Users Association ("IGUA"), the Heating and Ventilating Association of Canada ("HVAC") and Canadian Manufacturers and Exporters ("CME") filed Notices of Motion with the Board. The Motions requested that the Board order the Applicant to file full and adequate responses for certain interrogatories which the parties characterized as insufficiently answered. The Board heard the Motions on June 29, 2005. During the hearing the Applicant and the parties announced that a number of the issues were resolved. The Board heard submissions on the following unresolved interrogatories.

CCC #137 (Exhibit I Tab 5 Schedule 137)

CCC #138 (Exhibit I Tab Schedule 138)

CCC #176 (Exhibit I Tab 5 Schedule 176)

CCC #177 (Exhibit I Tab 5 Schedule 177)

HVAC #4 (Exhibit I Tab 26 Schedule 4)
HVAC #7 (Exhibit I Tab 26 Schedule 7)
HVAC #24 (Exhibit I Tab 26 Schedule 24)

IGUA #6 (Exhibit I Tab 11 Schedule 6)
IGUA #11 (Exhibit I Tab 11 Schedule 11)
IGUA #28 (Exhibit I Tab 11 Schedule 28)

With respect to the CCC interrogatories, the Board will not require the Applicant to provide any further responses regarding Interrogatory #138. The Board does not consider the Applicant's answer as insufficient and therefore CCC's motion in this regard is denied. Regarding interrogatory #137, the Board does not require the Applicant to provide further responses. While the Board is satisfied that confidentiality arrangements would protect the commercial interests of the CIS RFI responders, the Board agrees with Applicant that due to the preliminary nature of the documents, they would provide no probative value. The Board notes that in response to other interrogatories the Applicant has provided detailed information regarding the CIS RFI process and analysis. Regarding interrogatories #176 and #177 the Board does not consider a claim of confidentiality as a compelling reason to preclude the filing of the requested documentation. The Board therefore directs the Applicant to file the responses. The Board anticipates that confidentiality concerns can be addressed through arrangements between the Intervenors, the Applicant and the Board to ensure that the confidentiality of the information is maintained.

With respect to the HVAC interrogatories, the Board will not require the Company to provide any further response to HVAC Interrogatories #4, #7, and #24 because examination of further details of the relationship between third parties is not required. HVAC's Motion is therefore denied. While the Board has denied the Motion, the Board wants to re-affirm its interest in the arrangements governing third party access to the Company's billing instruments. This issue appears on the Issues List as Issue 9.19. The inclusion of that Issue evidences the Board's concern respecting the extent to which the Applicant has an obligation to ensure, either through its own management of the activity or through its contractual arrangements with others, that the terms and conditions governing access to its billing instruments provide an appropriate balance between the interests of various stakeholders, including ratepayers and service providers.

With respect to the IGUA interrogatories, the Board will not require the Applicant to provide any further responses to Interrogatory #11. The Board is guided by its RP- 2003-0203 Decision, dated November 1, 2004, which stated that "... an entirely different approach to calculating ROE would have to be considered before it would be appropriate to apply the Board approved ROE to any period other than consecutive 12 months the 15 month stub period for analysis purposes is not appropriate."(para. 6.3.15). Regarding Interrogatory #6, the Board is not convinced that all of the information requested is required. However, with respect to the 2005 Corporate Budget, the Board directs the Applicant to file the EGDI component of the Enbridge Inc. 2005 Corporate Budget. Regarding Interrogatory #28, the Board directs the Applicant to provide a response, with qualifications as appropriate, to the question as originally posed.

The Board expects EGDI to file the responses to the interrogatories as directed in this decision on or before Thursday, July 7, 2005 at 4:45pm.

Dated at Toronto, June 30, 2005.

Original signed by

Presiding Member
Pamela Nowina