

Shari-Lynn Spratt

From: EGD Regulatory Proceedings
Sent: Thursday, September 05, 2013 1:49 PM
To: Shari-Lynn Spratt
Subject: FW: Hearing Plan - Board File Nos. EB-2012-0451 Enbridge Gas Distribution Inc. & EB-2013-0433/EB-2013-0074 Union Gas Limited

This email from Ian Mondrow was filed as KP1.2.

From: Mondrow, Ian [mailto:Ian.Mondrow@gowlings.com]
Sent: Monday, September 02, 2013 6:40 PM
To: drquinn@rogers.com; Josh.Wasylyk@ontarioenergyboard.ca; Batul.Rahimtoola@ontarioenergyboard.ca; EGD Regulatory Proceedings; sstoll@airdberlis.com; Ric.Forster@directenergy.com; pmcmahon@uniongas.com; tbrett@foglers.com; marion.fraser@rogers.com; dpoch@eelaw.ca; kai@web.net; cneme@energyfuturesgroup.com; carlton.mathias@opg.com; opgregaffairs@opg.com; tom.ladanyi@opg.com; paul.clipsham@cme-mec.ca; pthompson@blg.com; vderose@blg.com; kdullet@blg.com; pete_serafini@transalta.com; laura-marie_berg@transalta.com; tam.wagner@ieso.ca; john.beauchamp@nortonrosefulbright.com; David.Butters@appro.org; jwolnik@era-inc.ca; wmcnally@opsba.org; jay.shepherd@canadianenergylawyers.com; DavidMacIntosh@nextcity.com; spainc@rogers.com; shelley.grice@rogers.com; gila@beverleyglenra.com; jwitzi@aol.com; mario.silva@tdsb.on.ca; Crane, Mark
Subject: Re: Hearing Plan - Board File Nos. EB-2012-0451 Enbridge Gas Distribution Inc. & EB-2013-0433/EB-2013-0074 Union Gas Limited

Dwayne,

I have a selfish and a principled response to this.

The selfish response is that I will be tied up at the NEB this week and next, in the same hearing that TCPL is legitimately struggling with given the complete overlap of these important processes. While Mark Crane will ably represent IGUA at the OEB in the coming weeks, I would like to be present in Ontario for the TCPL panel. While having that panel proceed later is no guarantee that I will in fact be available, it does enhance the odds.

The principled reason is that I believe that the LDCs should generally be able to present their cases as they see fit, subject to fairness and reasonable efficiency. I see nothing unfair or inefficient about first understanding the projects and their interdependencies within Ontario, and then the NEB regulatory issues. Indeed, I see some logic in that approach.

A third reason is that this might assist Gord Cameron for TCPL, who has been balancing an extremely challenging workload. Given the logic and fairness of the current plan, and the LDC's preference, if Gord can be accomodated it would behoove us to do that.

Ian

From: DR Quinn [mailto:drquinn@rogers.com]
Sent: Monday, September 02, 2013 05:22 PM Eastern Standard Time
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Subject: RE: Hearing Plan - Board File Nos. EB-2012-0451 Enbridge Gas Distribution Inc. & EB-2013-0433/EB-2013-0074 Union Gas Limited

Hi Josh et al. Thank you for providing the summary framework that lays out the challenge of timing in this important combined hearing. We have reviewed the estimates provided along with issues to be canvassed and have no changes to the estimated times captured. Of important note, while our current estimate is 180 minutes, our original estimate was 270. That estimate was reduced with the knowledge that we would be following either TCPL, the utilities or other intervenors with most panels.

Since the issue of the Joint Panel of utilities on NEB issues is captured in this summary for all who are copied, I believe that this channel is the appropriate place to start the dialogue around the timing of this panel. In our view, as discussed with other intervenors, we believe that the entire proceeding would be aided by the advancing the appearance of this panel to the start of the oral hearing. It was clear from the dialogue in the Settlement Conference that parties spent a considerable amount of time hearing new information and trying to get clarity on the NEB issues and their implications on the respective projects. Since there is little evidence on these issues and implications, we firmly believe that the Board panel would benefit greatly by an understanding of these matters to have context in hearing the regulatory risks to the projects and the timing implications. It is clear that the utility panels will receive questions on these matters and the Board Panel may not have a frame of reference to understand the relevancy.

Would Enbridge or Union provide a response as to why this Joint Panel should not be heard first?

Dwayne R. Quinn
Principal
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From: Josh Wasylyk [<mailto:Josh.Wasylyk@ontarioenergyboard.ca>]

Sent: August-30-13 11:31 AM

To: Batul Rahimtoola; EGDRegulatoryProceedings@enbridge.com; sstoll@airdberlis.com; Ric.Forster@directenergy.com; pmcmahon@uniongas.com; tbrett@foglers.com; Marion.Fraser@rogers.com; dpoch@eelaw.ca; kai@web.net; cneme@energyfuturesgroup.com; carlton.mathias@opg.com; opgregaffairs@opg.com; tom.ladanyi@opg.com; paul.clipsham@cme-mec.ca; pthompson@blg.com; vderose@blg.com; kdullet@blg.com; pete_serafini@transalta.com; laura-marie_berg@transalta.com; tam.wagner@ieso.ca; john.beauchamp@nortonrosefulbright.com; David.Butters@appro.org; jwolnik@era-inc.ca; wmcnally@opsba.org; jay.shepherd@canadianenergylawyers.com; DavidMacIntosh@nextcity.com; spainc@rogers.com; shelley.grice@rogers.com; gila@beverlyglenra.com; jwizti@aol.com; mario.silva@tdsb.on.ca; ronan.olwill@ttc.ca; Canadian.regulatory-affairs@gazmetro.com; jim_bartlett@transcanada.com; murray_ross@transcanada.com; eric_nadeau@transcanada.com; Steven_kley@transcanada.com; jgirvan@uniserve.com; stevenshrybman@sgmlaw.com; ian.mondrow@gowlings.com; srahbar@igua.ca; gvegh@mccarthy.ca; jrosengarten@mccarthy.ca; salim.alibhai@york.ca; abrown@markham.ca; george.antoniuik@millergroup.ca; jack.graziosi@vaughan.ca; drquinn@rogers.com; robert.miller@rslawyers.com; robert.miller@rslawyers.com; grempe@toronto.ca; mary.martin@metrolinx.com; jsidlofsky@blgcanada.com; mjanigan@piac.ca; jwightman@econalysis.ca; dennis.Wintjes@rogers.com; karnystevenson@aol.com; rathod_family@hotmail.com; Inardea@sympatico.ca; gdrisdelle@rogers.com; pchernick@resourceinsight.com; stephen.collins@york.ca; steve.murphy@york.ca; jack@cleanairalliance.org; murray.klippenstein@klippensteins.ca; kent.elson@klippensteins.ca; rbeaman@thomsonrogers.com; mark.rubenstein@canadianenergylawyers.com; asteedman@schaeffers.com; chris.ashkewe@newcreditfirstrnation.com; markgarner@rogers.com; landerson@uniongas.com; agalick@uniongas.com; cory.wanless@klippensteins.ca; gillian.henderson@enerlife.com; marie-christine.hivon@nortonrosefulbright.com; eric.dunberry@nortonrosefulbright.com; mkitchen@uniongas.com; njbrowne@uniongas.com; mpatrick@uniongas.com; sstoll@airdberlis.com; EGDRegulatoryProceedings@enbridge.com; tam.wagner@ieso.ca; David.Butters@appro.org; john.beauchamp@nortonrosefulbright.com; jwolnik@elenchus.ca; jay.shepherd@canadianenergylawyers.com; opgregaffairs@opg.com; spainc@rogers.com; shelley.grice@rogers.com; DavidMacIntosh@nextcity.com; tbrett@foglers.com; Marion.Fraser@rogers.com; ikagan@ksllp.ca; drquinn@rogers.com; randy.aiken@sympatico.ca; jgirvan@uniserve.com; paul.clipsham@cme-mec.ca; pthompson@blg.com; vderose@blg.com; kdullet@blg.com; Janine_watson@transcanada.com; eric_nadeau@transcanada.com; Steven_kley@transcanada.com; murray_ross@transcanada.com; jim_bartlett@transcanada.com; Canadian.regulatory-affairs@gazmetro.com; jim.gruenbauer@kitchener.ca; mjanigan@piac.ca; jwightman@econalysis.ca; dpoch@eelaw.ca; kai@web.net; ian.mondrow@gowlings.com; srahbar@igua.ca; khockin@uniongas.com; csmith@torys.com; mark.rubenstein@canadianenergylawyers.com; agalick@uniongas.com; landerson@uniongas.com; marie-christine.hivon@nortonrosefulbright.com; eric.dunberry@nortonrosefulbright.com; mkitchen@uniongas.com; njbrowne@uniongas.com; mpatrick@uniongas.com; khockin@uniongas.com; csmith@torys.com; pthompson@blg.com; mark.rubenstein@canadianenergylawyers.com; jay.shepherd@canadianenergylawyers.com; EGDRegulatoryProceedings@enbridge.com; sstoll@airdberlis.com; spainc@rogers.com; shelley.grice@rogers.com; DavidMacIntosh@nextcity.com; tbrett@foglers.com; Marion.Fraser@rogers.com; nadine.berge@transcanada.com; eric_nadeau@transcanada.com; Steven_kley@transcanada.com; jim_bartlett@transcanada.com; murray_ross@transcanada.com; jim.gruenbauer@kitchener.ca; drquinn@rogers.com; Canadian.regulatory-affairs@gazmetro.com; Canadian.Regulatory-Affairs@gazmetro.com; jgirvan@uniserve.com; David.Butters@appro.org; john.beauchamp@nortonrosefulbright.com; jwolnik@elenchus.ca; mark.rubenstein@canadianenergylawyers.com; mjanigan@piac.ca; jwightman@econalysis.ca; ian.mondrow@gowlings.com; srahbar@igua.ca; paul.clipsham@cme-mec.ca; vderose@blg.com; kdullet@blg.com; landerson@uniongas.com; agalick@uniongas.com; marie-christine.hivon@nortonrosefulbright.com; eric.dunberry@nortonrosefulbright.com; mkitchen@uniongas.com; njbrowne@uniongas.com; khockin@uniongas.com; Edith.Chin@enbridge.com; hausscon@rogers.com; Michael Millar; dgermain@thomsonrogers.com; mark.crane@gowlings.com; ESherbert@markham.ca; jim.gruenbauer@kitchener.ca; robert.miller@rslawyers.com

Subject: Hearing Plan - Board File Nos. EB-2012-0451 Enbridge Gas Distribution Inc. & EB-2013-0433/EB-2013-0074 Union Gas Limited

Hi all – attached you will find the hearing plan table with all parties' time estimates included. As you can see, we are well over the available hearing time of ~28 hours at 54:50. Please review the time estimates for all parties and let me know the areas where your cross estimate can be reduced. We all need to do our best to keep the overall number of hours to a reasonable level.

I have also attached the updated witness panels for both companies and the Issues List. Issues B1-4, C1-4 and D3-4 will not require cross examination, but parties will still be allowed the opportunity to provide argument on each.

A few other notes which I would appreciate a response on:

- 1) Margarita Suarez of EGD's Panel #1 is the expert on customer growth. She is unavailable on Sept. 13th and Sept. 16th. If there are no parties who intend to cross examine evidence related to customer growth, scheduling EGD Panel #1 will be an easier exercise. Please let me know only if you will be cross examining on this topic area.
- 2) Confidential matters – as many of you know, managing confidential material in an oral hearing adds time and creates logistical issues. If we can avoid in-camera sessions to discuss confidential matters, it is in everyone's interest. Please let me know if you have a need to discuss confidential information. My hope is that larger budget and costing information can be used.

The Board will also likely want to develop a schedule for the oral hearing. I have included a very tentative schedule below the cross estimate table in the attached excel spreadsheet. This will act as a starting point for discussion at the Pre-Hearing Conference. I understand this schedule does not work with the current time estimates. Please do not view this as a final schedule or a schedule agreed to by parties. It will be conveyed as a Board Staff preliminary scheduled based on panel availability and with the applicants leading.

If there are errors in your cross estimate, please let me know as soon as you can.

I will be filing the final hearing plan with the Board on Wednesday, Sept. 4th. The Pre-Hearing Conference is scheduled for Thursday, September 5th at 10:30 a.m. in the North Hearing Room.

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