

SEC INTERROGATORY #13

INTERROGATORY

[A/1/3, p. 15] Please advise the legal governance the Applicant proposes with respect to the activities of the EAC, e.g. consensus requirements, voting, weight of votes if any, OEB Staff role as arbiter or tie-breaker, etc.

RESPONSE

It is Enbridge's opinion that the EAC should be driven by the goal of consensus. A consensus approach was central to the Joint Terms of Reference on Stakeholder Engagement for DSM Activities which governed a successful, cooperative and efficient operation of the TEC and both Audit Committees prior to the introduction of the new (current) governance structure.

Ultimately Enbridge understands, when or where consensus cannot be reached, there must be a system in place to make decisions so as to enable the process to move forward. In the case of the evaluation process for 2015 program year, Board Staff made decisions when consensus could not be reached, regrettably, there were also occasions when Board Staff made decisions without EAC consultation.

As per the response provided by Enbridge to SEC Interrogatory #12, found at Exhibit I.EGDI.SEC.12, the draft charter attached to SEC's interrogatory submission has improved considerably from its initial draft and, in large part, reflects an approach that the utility can support.

Generally, Enbridge is of the view that if Board Staff's role is to be defined as chair and decision maker where consensus cannot be reached, there needs to be assurance that the input from the EAC advisory group is actually what drives decision making and avoid situations where decisions are already effectively made by the party overseeing the process, or the chair dominates with its opinions and the EAC is told what is going to happen. To this end, it should be made clear that as chair, Board Staff's role is primarily to facilitate the process.

Witnesses: D. Bullock
D. Johnson