

March 6, 2024

VIA RESS

Ms. Nancy Marconi
Registrar
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Ian A. Mondrow
Direct 416-369-4670
ian.mondrow@gowlingwlg.com

Assistant: Cathy Galler
Direct: 416-369-4570
cathy.galler@gowlingwlg.com

Dear Ms. Marconi:

Re: EB-2022-0094: Ontario Energy Board Gas System Access Proceeding.

Industrial Gas Users Association (IGUA) Settlement Proposal Submission.

IGUA's interest in this matter relates to two aspects of system access; (i) the steps and associated timelines attendant on a request for new or expanded connection to EGI's system; and (ii) contestability of associated connection work.

By letter dated November 20, 2023 we indicated IGUA's wish to participate in the settlement conference scheduled for January 9th. In our letter we indicated IGUA's wish to have access to EGI's initial draft connection procedure to enable us to better assess whether IGUA's interests would be sufficiently served by waiting to provide any additional comments after the settlement process concludes or whether IGUA would seek to more actively participate in the settlement discussions. By letter dated January 5, 2024 we indicated IGUA's withdrawal from settlement conference participation on the understanding that EGI's proposal and the discussions at the settlement conference were intended to be specific to connection of Ontario gas producers, as distinct from load customers.

IGUA has now considered the resulting Settlement Proposal. We note that the Preamble to the Settlement Proposal starts off by indicating the context of "*a hearing convened by the OEB to consider issues relevant to natural gas producers in Ontario*", and that the Overview and Guiding Principles section starts off by specifying that the Connection Procedures Document agreed to "*sets out a defined process through which Enbridge Gas will work with Producers to connect to the Enbridge Gas distribution system*". [Emphasis ours in both cases.] On the basis that the settlement

proposal is intended by the parties to be limited to connection procedures for producers, IGUA takes no issue with the proposal.

Should the proposed connection procedures ever form a basis for more formal consideration of connection procedures for load customers, IGUA would raise questions which might include (without limitation);

- i. why contestability is to be limited to the meter station (i.e. what connection facilities are proposed to be excluded from the contestability provisions, and on what basis);
- ii. why the Connection Information Package is provided to the customer in Step 2 of the proposed procedures rather than as part of step 1;
- iii. whether EGI could provide standard contractor qualification requirements (which of course could be updated from time to time as required); and
- iv. what preconditions should apply for return of deposits held on account of warranty for contestable work (i.e. potentially sooner than the 2 year maximum time period specified in the proposed connection procedures).

We recognize however that any Settlement Proposal is the product of discussion, information exchange, and often compromise, as between the parties to the settlement process. In providing the foregoing comments to protect IGUA's potential future interests, we are not seeking, or suggesting, any modifications by the OEB to the proposal put before it by EGI and its producer customers, which proposal does not on its face directly engage IGUA's interests.

Yours truly,



Ian A. Mondrow

- c. S. Rahbar (IGUA)
P. McMahon (EGI)
D. Stevens (Aird & Berlis)
R. Murray (OEB)
J. Sidlofsky (OEB)
Participants of Record