

**Ontario Energy Board**  
P.O. Box 2319  
2300 Yonge Street  
26<sup>th</sup> Floor  
Toronto ON M4P 1E4  
Telephone: 416 481-1967  
Facsimile: 416 440-7656

**Commission de l'énergie de l'Ontario**  
C.P. 2319  
2300, rue Yonge  
26<sup>e</sup> étage  
Toronto ON M4P 1E4  
Téléphone : 416 481-1967  
Télécopieur : 416 440-7656



## **For immediate release**

December 3, 2004

### **OEB expands Enbridge Class Action Suit Deferral Account to capture plaintiff's legal costs**

**Toronto** – The Ontario Energy Board today issued its Decision on the application by Enbridge Gas Distribution Inc. (Enbridge) to expand the scope of an existing deferral account to capture additional costs. The Board's Decision approves the recording of plaintiff's costs associated with a class action suit filed by an Enbridge customer regarding late payment penalties.

On August 31, 2004, the Board approved an application by Enbridge to create a deferral account to record the costs related to Enbridge's legal expenses, the costs of actuarial advice and the costs of analyzing historical billing records. The Board stated in its decision that Enbridge could make a future application to include other costs once the details of such other costs were known.

In April 2004, a ruling by the Supreme Court of Canada clarified the law regarding the rate at which utilities can set late payment penalties charged to customers who pay after the due date. The Supreme Court determined that Enbridge would be required to repay a portion of the amounts paid to it as late payment penalties from April 1994 up to the date that late penalties came into compliance with the Criminal Code. That decision also ordered Enbridge to pay the plaintiff's costs in the proceeding.

Enbridge has now determined the details of the costs of the plaintiff's lawyers and the Board has approved their inclusion in the 2005 deferral account. Prior to disposal of any deferral account, Enbridge must apply to the Board to determine whether the costs should, in fact, be recovered from ratepayers. The Board emphasized in its decision that the recording of costs in the deferral account does not automatically imply any outcome respecting disposition. That will be determined in a future proceeding.

For more information on the Board, please visit our web site at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or contact the Customer Service Centre at 416-314-2455 or toll-free at 1-877-632-2727.

The Ontario Energy Board is the regulator of Ontario's natural gas and electricity sectors.

-30-

For more information contact:  
Donna Garant  
Ontario Energy Board  
416-440-8140