

R-3552-2004

Demande d'approbation du budget 2005 du Plan global en efficacité énergétique du  
Distributeur

**Réponses d'Option consommateurs à la demande de renseignements  
no. 2  
d'Hydro-Québec Distribution**

Régie de l'énergie
DOSSIER: R-3552-2004
DÉPOSÉE EN AUDIENCE
Date: 17 mars 2005
Pièces n°: OC-1

**Preamble**

The HQD Question is selective and ignores much of Dr. Higgin's background as a regulator. The statement of qualification in the evidence at page 1 indicates that:

- *Dr. Higgin has considerable experience in regulatory matters, including as a member of the Ontario Energy Board for seven years, and as a consultant. He has appeared as an expert witness before the Régie and other Canadian regulatory tribunals. Specifically, Dr. Higgin's experience is particularly relevant to provide the evidence in the current filing:*
- *He was an Assistant Deputy Minister responsible for Ontario's Energy Conservation and Renewable Energy Programs in the 1980s. He was also responsible for the City of Toronto Energy Conservation Office in the early 1990s.*
- *As a Member of the OEB for seven years, he sat on several OEB panels which reviewed the Conservation Programs of Ontario Hydro and the Demand Side Management programs of the Ontario gas utilities.*
- *Since 2000 he has, inter alia, provided consulting advice to public interest intervenors on regulatory matters related to DSM and is a member of the DSM consultatives of Union Gas and Enbridge Gas Distribution.*

**Question 1:**

**Préambule :** Curriculum vitae de M. Roger Higgin contenu au rapport du 18 février 2005.

**Question :**

Pour chacun des éléments suivants :

- 1) OEB Review of Electric C&DM Programs
- 2) Consultative on Demand Side Management (Enbridge Consumer Gas – OEB)

- 3) Consultative on Demand Side Management (Union Gas – OEB)
- 4) Review of 2005 DSM Program (Union Gas - OEB)
- 5) Manitoba Hydro DSM Programs (Clean Environment Commission)
- 6) Providing advice to clients on the regulatory treatment of the first generation C&DM Programs of a coalition of Six Large Utilities
- 7) Providing advice to clients on the regulatory treatment of the first generation C&DM Programs of Hydro One Distribution
- 8) Et tous autres élément(s) que vous jugez pertinents dans le cadre du présent dossier

(a) Veuillez indiquer si vous avez témoigné à titre de témoin ordinaire ou de témoin expert. Dans ce dernier cas, veuillez indiquer la qualification obtenue.

(b) Veuillez décrire avec précision le mandat que vous avez reçu.

(c) Le cas échéant, quelle(s) recommandation(s) de votre part a(ont) été retenue(s) par l'organisme de réglementation ?

(d) Veuillez déposer le(s) rapport(s) que vous avez soumis à l'organisme de réglementation que vous considérez les plus pertinents pour les fins du présent dossier.

(e) Veuillez indiquer si vous avez travaillé seul ou en collaboration avec d'autres personnes. Le cas échéant, veuillez fournir le nom et les fonctions de ces personnes.

### **Response**

#### **a) Response**

1. Mandate- Advice to Client, provide Cross examination and argument,
2. Mandate- Advice to Client,
3. Mandate- Advice to Client,
4. Mandate- Advice to Client- Case in progress
5. See section b) below for qualification and mandate,
6. Mandate- Advice to Client, provide Cross examination and argument,
7. Mandate- Advice to Client, provide Cross examination and argument,
8. See section b) below for qualifications and mandates.

Dr. Higgin has never appeared as an ordinary witness before any regulatory tribunal. In all cases, he has appeared as an Expert witness.

b) Response

5.

2004 Retained by the Public Interest Law Centre in Winnipeg to provide evidence on the Need for and Alternatives to Manitoba Hydro Wuskwatim Project, specifically including evidence on regulatory aspects of the proposed expanded Manitoba Hydro DSM program and on business case for Wuskwatim.

In the context of this mandate, Dr Higgin qualified as Expert and testified before the Manitoba Clean Environment Commission.

8. (Other)

(i) 2005 Retained by Option Consommateurs on regulatory treatment of the rebasing of O&M costs and Corporate Cost allocations for Gazifère Inc in R-3537-2004.

In the context of this mandate, Dr Higgin was qualified by the Régie de l'énergie as an Expert on *regulatory matters*.

(ii) 2003 Retained by the City of Calgary to provide evidence on regulatory aspects of the transfer of the ATCO gas supply function to Direct Energy.

Qualified by Alberta Energy and Utilities Board as Expert in *regulatory matters*.

(iii) 2002 Retained by Option Consommateurs on unbundling of SCGM rates.

Qualified as an Expert in *regulatory matters* by the Régie de l'énergie.

(iv) 1996-2000 Member of OEB -- Review of EGD and Union Gas Rates including costs and regulatory treatment of Demand Side Management Programs.

(v) 1989-1991 Member of OEB – Review of Revenue Requirement and Rates of Ontario Hydro, including Demand Management Programs.

c) Response

In the cases above b) 5. and 8) (i)-(iii), the evidence was accepted by the regulator and noted in the Report/Decision.

The Decision on the Gazifère case has not been issued.

d) Response

The regulatory treatment of costs in the current application are reviewed in the ECS prefiled evidence. The probative value of filing the full evidence filed with other regulatory tribunals is highly questionable, but electronic copies can be provided where available.

In addition to the evidence listed in the response to Question a), there are several relevant examples of sections of regulatory decisions, which Dr Higgin directly authored:

(i) 1996-2000 Member of OEB --Review of EGD and Union Gas Rates including costs and regulatory treatment of Demand Side Management Programs. Authored Pages indicated:

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***Response of OC to HQD-6, Document 6.2***

- Union Gas E.B.R.O 493/494, Pages 95-102
- Consumers Gas E.B.R.O. 497, Pages 50-55.

(ii)1989-1991 Member of OEB – Review of Revenue Requirement and Rates of Ontario Hydro, including Demand Management Programs, 1989-2000. Authored Pages Indicated:

- HR-18 Chapter 12 Pages 256-287
- HR-19 Chapter 3 Pages 39-53.

e) Response

In the cases listed above in the response to Part a), the evidence was jointly authored in two cases and in two other two cases solely authored or authored with assistance from an analyst:

- SCGM 2001 with John Todd [Separate Aspects]
- ATCO 2003, solely authored
- Wuskwatim 2004 NFAAT with Bill Harper [Separate Aspects]
- Gazifère 2005 Authored with Ms Brigid Rowan Analyst

Current Case

- HQD PGEE 2005 -2010 with Ms Brigid Rowan Analyst.