

CANADA

RÉGIE DE L'ÉNERGIE

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

GAZ MÉTRO LIMITED PARTNERSHIP

Nº: R-3970-2016

and

Applicant

SUMMITT ENERGY QUÉBEC LP /
ÉNERGIE SUMMITT QUÉBEC S.E.C., a
limited partnership having its registered
address at 100 Milverton Drive, Suite 608
Mississauga, Ontario, L5R 4H1

Proposed Intervenor

APPLICATION FOR INTERVENOR STATUS
(Rules 4, 15, 16 of the *Rules of Procedure of the Régie de l'énergie*)

IN SUPPORT OF ITS APPLICATION, THE PROPOSED INTERVENOR STATES:

1. Proposed Intervenor Summitt Energy Québec LP / Énergie Summitt Québec S.E.C. ("**Summitt Energy**") is a partnership formed pursuant to the laws of Ontario that enters into natural gas and electricity contracts.
2. Summitt Energy and its affiliates form a group that operates in Quebec, Ontario and British Columbia, as well as in several states in The United States, in particular New York, New Jersey, Maryland, Massachusetts, California, Pennsylvania and Ohio.
3. In Quebec, Summitt Energy currently supplies natural gas to more than 1000 commercial customers, pursuant to the fixed price supply service established by the September 26, 2003 decision of the Régie de l'Énergie (the "**Régie**") in file R-3510-2003.
4. Summitt Energy therefore has a direct interest in any proposed modification to the manner in which customers are enrolled in the fixed price supply service.
5. In its *Demande amendée d'approbation du plan d'approvisionnement et de modification des conditions de service et tarif de Société en commandite Gaz Métro à compter du 1^{er} octobre 2016*, Applicant Gaz Métro Limited Partnership ("**Gaz Métro**") seeks, *inter alia*, the Régie's approval with respect to certain matters relating to Gaz Métro's "Stratégie et grilles tarifaires", including in particular that the Régie modify the manner in which customers are enrolled in the fixed price supply service:

APPROUVER une modification au processus d'adhésion au service de fourniture à prix fixe, tel qu'il appert de la pièce Gaz Métro-11, Document 2;

6. In Gaz Métro-11, Document 2, titled *Demande de modification du processus d'adhésion dans une entente de fourniture à prix fixe*, Gaz Métro proposes the following:

Gaz Métro continuera d'envoyer des lettres aux clients qui signent une entente de gaz naturel à prix fixe. Cette lettre est aujourd'hui considérée comme une confirmation de l'entente avec option d'annulation si le coupon d'annulation qui est inclus est retourné à Gaz Métro dans les 15 jours suivant l'envoi de la lettre. Toutefois Gaz Métro propose, suivant l'approbation de la Régie, que cette lettre devienne plutôt une demande de confirmation de l'entente et, conséquemment, de la volonté d'adhérer au service de fourniture à prix fixe. À cet effet, un coupon-réponse devra être retourné à Gaz Métro pour confirmer l'entente à défaut de quoi celle-ci sera annulée. Gaz Métro propose de maintenir la période actuelle de réflexion du client à 15 jours suivant l'envoi de la demande de confirmation. Les modifications proposées au texte des Conditions de services et Tarif se trouvent aux pièces Gaz Métro-10, Document 1 et Gaz Métro-11, Document 1. [Emphasis added]

7. The intervention of Summitt Energy in the present file would be limited to the above-mentioned proposal (the “**Proposal**”) and matters related thereto, including Gaz Métro’s use of verification call as it relates to new customers.
8. The decision of the Régie in respect of the Proposal will directly and significantly impact the ability of customers in Quebec to obtain natural gas at a fixed price from suppliers such as Summitt Energy.
9. In particular, Summitt Energy is concerned that the steps implemented and/or proposed by Gaz Métro are having and will have the effect of actively discouraging customers from obtaining natural gas at a fixed price, and thus discouraging suppliers from providing natural gas at a fixed price in Quebec.
10. Summitt Energy’s point of view in the present file, grounded in its experience as a supplier of fixed price gas in Quebec as well as the ongoing operations of its affiliates in Ontario, British Columbia and several markets in the United States, can help inform the Régie as to the effect that the modifications proposed by Gaz Métro will have on suppliers and customers of natural gas in Quebec.
11. Summitt Energy is not aware of any party having similar experience seeking to intervene in the present file.
12. The regulatory personnel at Summitt Energy in Ontario were only made aware of these proceedings and the Proposal for the first time on Thursday, May 19, 2016, by way of a letter from Gaz Métro dated May 19, 2016, a copy of which is produced herewith as **Exhibit R-1**, and, as the following Monday was a civic holiday, diligently consulted counsel on Tuesday, May 24, 2016.

13. Summitt Energy understood from paragraphs 11, 14 and 16 of decision D-2016-072 of the Régie dated May 11, 2016, that May 20, 2016 was the deadline for the filing of interventions with respect to the matters listed in paragraph 11 and that a different deadline would be fixed at a later date by the Régie for the filing of interventions with respect to the matters listed in paragraph 14, including with respect to “Stratégie et grilles tarifaires”. However, the inquiries in this regard by Summitt Energy’s counsel with the Secretariat of the Régie revealed that the present application for intervenor status relating to “Stratégie et grilles tarifaires” also had to be filed by May 20, 2016.
14. Summitt Energy is prepared to accept the present state of the file, without seeking revision of any decisions already made by the Régie, and no material delay will be caused by the intervenor status sought herein.
15. Considering that the present file is still at a preliminary phase, no prejudice will be caused to any party by the granting of intervenor status to Summitt Energy.
16. Summitt Energy wishes to reserve its right to actively participate in the present proceedings solely in respect of the matters mentioned above, such as by requesting information, participating in working groups and other exchanges, presenting evidence, cross-examining witnesses and making written submissions and arguments.
17. In accordance with Article 36 of the *Act respecting the Régie de l’énergie*, Summitt Energy intends to request the reimbursement of all the costs it will incur for its participation as an intervener in this file, and files concurrently with the present application its participation budget for the consideration of the above-mentioned matters.
18. Summitt Energy asks that any communication with it in the present file be sent to its attorneys and copied to its internal representatives at the following contact information:

M^c Jason Dolman
FISHMAN FLANZ MELAND PAQUIN LLP
1250 René-Lévesque Boulevard West, Suite 4100
Montreal, Quebec, H3B 4W8
Tel: 514-932-4100
Fax: 514-932-4170
E-mail: jdolman@ffmp.ca

Mr. Jeff Donnelly
Director, Regulatory Affairs & Compliance
SUMMITT ENERGY QUÉBEC LP
100 Milverton Drive, Suite 608
Mississauga, Ontario, L5R 4H1
Tel: 905-366-7020
Fax: 905-366-7011
E-mail: jdonnelly@summittenergy.ca

FOR THESE REASONS, SUMMITT ENERGY RESPECTFULLY ASKS THE RÉGIE DE L'ÉNERGIE TO:

EXTEND the delay for the filing of the present application, if necessary;

GRANT Summitt Energy's Application for Intervenor Status;

GRANT intervenor status to Summitt Energy in the present file.

Montreal, May 27, 2016



FISHMAN FLANZ MELAND PAQUIN LLP
Attorneys for Intervenor Summitt Energy Québec LP

CANADA

RÉGIE DE L'ÉNERGIE

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

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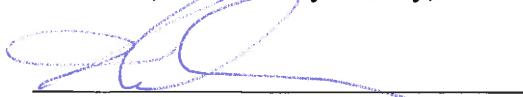
Proposed Intervenor

ATTESTATION OF AUTHENTICITY

I, the undersigned, NICOLAS BROCHU, lawyer, exercising my profession at 1250 René-Lévesque Blvd. West, Suite 4100, in the City and District of Montreal, Province of Quebec, H3B 4W8, do solemnly declare that:

1. On May 27th, 2016 at 12:33 (EDT), I received by fax from Mr. Jeff Donnelly, Commissioner for Oaths for Ms. Tamara Sinson, an Affidavit in support of the *Application For Intervenor Status* of Summitt Energy Québec LP / Énergie Summitt Québec S.E.C. in the Régie de l'énergie file of the District of Montreal, bearing number R-3970-2016;
2. Mr. Jeff Donnelly sent me this Affidavit, solemnly affirmed by Ms. Tamara Sinson, duly authorized representative of Summitt Energy Québec LP / Énergie Summitt Québec S.E.C., by fax from Mississauga, Ontario, and his fax number is (905) 366-7011;
3. Copy of said Affidavit in support of the *Application For Intervenor Status* attached hereto is true to the facsimile received by fax from Mr. Jeff Donnelly.

Montreal, this 27th day of May, 2016


Me Nicolas Brochu

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: R-3970-2016

RÉGIE DE L'ÉNERGIE

GAZ MÉTRO LIMITED PARTNERSHIP

Applicant

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Proposed Intervenor

AFFIDAVIT



Fax

To:	Nicolas Brochu	From:	Jeff Donnelly
Company:	FISHMAN FLANZ MELAND PAQUIN, s.e.n.c.r.l./LLP		Summitt Energy Quebec LP
Fax:	(514) 932-4170	Fax:	905-366-7011
Tel:		Tel:	
Date:	May 27, 2016	Pages:	6 including cover

100 Milverton Drive, Suite 608
Mississauga, Ontario
L5R 4H1

Toll free: 1-877-222-9520 fax: 905-366-7063



www.summittenergy.ca

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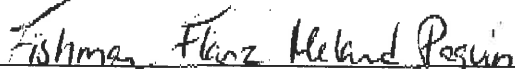
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Montreal, May 27, 2016




FISHMAN FLANZ MELAND PAQUIN LLP
Attorneys for Intervenor Summitt Energy Québec LP

AFFIDAVIT

I, TAMARA SINSON, having my place of business at 100 Milverton Drive, Suite 608, in Mississauga, Province of Ontario, L5R 4H1, hereby solemnly affirm:

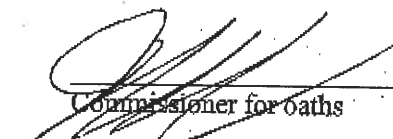
1. I am Manager of Regulatory Affairs & Compliance for Summitt Energy Quebec LP / Énergie Summitt Québec S.E.C.; and
2. I have read the present *Application for Intervenor Status* and all the facts alleged therein are true.

AND I HAVE SIGNED:



 TAMARA SINSON

SOLEMNLY AFFIRMED BEFORE ME
in the City of Mississauga,
this 27th day of May, 2016



 Commissioner for oaths



CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: R-3970-2016

RÉGIE DE L'ÉNERGIE

GAZ MÉTRO LIMITED PARTNERSHIP

Applicant

and

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Proposed Intervenor

EXHIBIT R-1

Le 19 mai 2016

Objet : Demande de modification du processus d'adhésion des clients à prix fixe

Bonjour,

Gaz Métro désire vous informer qu'elle a déposé auprès de la Régie de l'énergie une demande de modification du processus d'adhésion des clients au programme de gaz naturel à prix fixe.

Cette demande est à l'effet que Gaz Métro désire que l'actuelle lettre de confirmation envoyée au client devienne plutôt une demande de confirmation de l'entente. L'actuel coupon d'annulation qui accompagne la lettre sera remplacé par un coupon de confirmation qui devra être retourné à Gaz Métro pour confirmer la demande d'adhésion. Ainsi, pour que la demande d'un client d'adhérer au programme de gaz naturel à prix fixe soit acceptée, un coupon de confirmation signé du client devra être reçu par Gaz Métro. La demande de Gaz Métro (demande B-0027) sur ce sujet est disponible sur le site de la Régie de l'énergie à cette adresse :

<http://publicsde.regie-energie.qc.ca/layouts/publicsite/ProjectPhaseDetail.aspx?ProjectID=372&phase=1&Provenance=B>

Toutes les autres étapes du processus d'adhésion réglementé demeureront telles quelles.

Veillez prendre note qu'en cas de décision favorable de la Régie, votre Master Gas Purchase Agreement devra être mis à jour afin de considérer cette décision.

Pour toute question ou tout commentaire, n'hésitez pas à joindre le Service de l'approvisionnement gazier au 514 598-3433 ou au 1 800 291-9833.

Veillez accepter nos cordiales salutations.

Service de l'approvisionnement gazier



May 19th, 2016

Subject : Demand regarding a modification to the enrollment process of fixed price customers

Good day:

Gaz Métro would like to inform you that we have filed a demand with the Régie de l'énergie (board) regarding a modification to the enrollment process of fixed price customers.

This demand relates to the actual *Confirmation Letter* sent to an applicant that Gaz Métro would like to change to a *Demand of Confirmation Letter*. The cancellation coupon enclosed in the actual letter would be replaced by a confirmation coupon which would have to be signed by the customer and returned to Gaz Métro in order to confirm the enrollment. Therefore, for a demand by a customer to use the fixed price program to be accepted, a confirmation coupon would have to be received by Gaz Métro. The Gaz Métro filing (demand B-0027) on this subject can be found on the Régie de l'énergie website at this address:

<http://publicsde.regie-energie.qc.ca/layouts/publicsite/ProjectPhaseDetail.aspx?ProjectID=372&phase=1&Provenance=B> (French only)

All other steps of the regulated enrollment process would remain unchanged.

Take note that in the event of a favorable decision from the Régie de l'énergie, your Master Gas Purchase Agreement will have to be updated to consider that decision.

If you have any questions or comments, please contact the Gas Supply Service at 514 598-3433 or 1 800 291-9833.

Sincerely yours,

Gas Supply Service

RÉGIE DE L'ÉNERGIE
District of Montreal
N°: R-3970-2016

GAZ MÉTRO LIMITED PARTNERSHIP

Applicant

and

SUMMITT ENERGY QUÉBEC LP/
ÉNERGIE SUMMITT QUÉBEC S.E.C.

Proposed Intervenor

**APPLICATION FOR INTERVENOR
STATUS, ATTESTATION OF
AUTHENTICITY, AFFIDAVIT AND
EXHIBIT R-1**

ORIGINAL

Pour toutes notifications/for all notifications:

notification@ffmp.ca

avec copie à/with copy to:

Me Jason Dolman

jdolman@ffmp.ca –and-

Me Nicolas Brochu

nbrochu@ffmp.ca

FISHMAN FLANZ MELAND PAQUIN S.E.N.C.R.L.

4100-1250 boul. René-Lévesque ouest,

Montréal, Québec H3B 4W8

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