



EB-2010-0174

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF an application by Chapleau Public Utilities Corporation for an order or orders approving or fixing just and reasonable distribution rates and other charges, to be effective May 1, 2010;

AND IN THE MATTER OF a Motion to Review and Vary by Chapleau Public Utilities Corporation for review of the Board's Decision and Order in EB-2009-0219.

BEFORE: Ken Quenelle
Presiding Member

Marika Hare
Member

DECISION AND ORDER ON MOTION TO REVIEW AND VARY

On April 21, 2010, Chapleau Public Utilities Corporation ("Chapleau PUC") filed a Motion to Review and Vary (the "Motion") the Ontario Energy Board's (the "Board") Decision and Order in EB-2009-0219 dated March 30, 2010 (the "Decision") under Rule 42 of the Board's *Rules of Practice and Procedure*. In the Motion, Chapleau PUC requested that the disposition period for its Group 1 deferral and variance account balance be extended from a one year period to a four year period.

On April 30, 2010, the Board issued an Interim Rate Order stating that until such time that the Board deals with the Motion, Chapleau PUC's rates were declared interim effective May 1, 2010.

On May 12, 2010, the Board issued a Notice of Motion and Procedural Order No. 1 where the Board indicated that it would proceed by way of a written hearing and would allow for written submissions from both Chapleau PUC and Board staff. The Board requested that Chapleau PUC and Board staff address the threshold criteria for review of a decision of the Board (described in Rule 45) in their submissions. The Board indicated that it would only consider the Motion on its merits provided it was satisfied that the threshold had been met.

With respect to the threshold issue, Board staff submitted that the Motion as filed did not appear to meet any of the criteria established in Rule 44.01, these being:

- (i) error in fact;
- (ii) change in circumstances;
- (iii) new facts that have arisen; and
- (iv) facts that were not previously placed in evidence in the proceeding and could not have been discovered by reasonable diligence at the time.

Board staff's submission also noted that the Motion gave rise to a number of questions that needed to be addressed by Chapleau PUC. Board staff submitted that it was not clear why a refund to customers would cause cash flow problems for Chapleau PUC. Board staff questioned why the over collection in the deferral accounts was not immediately available to be refunded. Board staff noted that the deferral account balance owing to ratepayers was in fact collected by the utility and refunding these amounts should not, in ordinary circumstances create any difficulty. In addition, Board staff noted that a utility would normally have the ability to bridge a liquidity gap through alternate financing options, such as short term debt.

Board staff submitted that none of these issues were addressed in the Motion and therefore recommended that the Board proceed to hear the Motion on its merits but noted that if the Board is not inclined to hear the Motion on its merits, it may still be advisable to initiate some other regulatory process to investigate the apparent cash flow issues of Chapleau PUC.

In its reply submission filed on May 27, 2010, Chapleau PUC reiterated its request that its Group 1 account balance of \$58,856 be disposed over a four year period as using a one year period would be harmful to Chapleau PUC's cash flow on the following grounds:

- I.) Chapleau is a small northern town limited to no growth in population and industry and is therefore limited to its ability to raise additional funds.
- II.) In 2009/2010, Chapleau has invested \$350,000 for smart metering infrastructure and is in the process of applying for cost recovery, under Guideline G-2008-0002.

In response to Board staff comments on alternate financing options, Chapleau PUC stated that these options had not yet been considered by its Board of Directors.

Lastly, Chapleau PUC raised in its reply submission that the Tariff of Rates and Charges appended to the EB-2009-0219 Decision and Order and the EB-2010-0174 Interim Rate Order incorrectly omitted the Interim Deferral accounts rate riders previously approved by the Board in Chapleau PUC's 2008 cost of service Decision and Order.

Decision

Chapleau PUC did not demonstrate that it met any of the criteria established in Rule 44.01, nor any similar criteria. No new facts or changed circumstances from the time the original decision was made that would justify reviewing the decision have been put forward and therefore the Board has determined that it will not hear this Motion.

The Board has processes to deal with the situation that Chapleau claims to exist and from which it seeks relief. A motion to review, while possibly more expedient, is not the appropriate manner in which to obtain a remedy.

The Board's original decision was informed by the record that was furnished by Chapleau PUC and Chapleau PUC has not claimed the decision was incorrect based on that record. If the Board's criteria for review were to include situations where the applicant simply considered it desirable to seek a different decision because it felt it could supply better arguments on specific points, the decision making process would be both inefficient and ineffective.

Chapleau PUC has not attempted to address the threshold issue as requested by the Board. Its submissions go to the substance of the matter as it views the situation.

There has been no attempt to convince the Board that the threshold test should be set aside in this case.

As submitted by Board Staff, the motion material has revealed areas of concern to the Board. Chapleau PUC has a responsibility to conduct itself in a manner that does not place its service to ratepayers at risk. The Board notes that Chapleau PUC has not investigated any alternative solutions for the financial situation for which it purports to require relief. The options available to Chapleau PUC to maintain financial viability also include making an application to the Board for the setting of rates that reflect its revenue requirements. The Board will require Chapleau PUC to report to the Board within 60 days of the issuance of this decision providing information as to what steps it has taken to ensure it has the resources required to maintain the supply of service to the ratepayers of Chapleau PUC.

With respect to the issue raised by Chapleau PUC that the Tariff of Rates and Charges appended to the EB-2009-0219 Decision and Order and the EB-2010-0174 Interim Rate Order incorrectly omitted the Interim Deferral accounts rate riders previously approved by the Board, the Board confirms the error in the 2010 Model and associated Tariff of Rates and Charges, and hereby amends the Tariff to correct the error. The corrected Model shall be provided to Chapleau PUC and the corrected Tariff of Rates and Charges are attached to this Decision and Order as Appendix A.

THE BOARD THEREFORE ORDERS THAT:

1. The Motion to Review and Vary, as filed by Chapleau PUC, is dismissed.
2. Chapleau PUC's revised Tariff of Rates and Charges (Appendix A) shall be final effective May 1, 2010 and will apply to electricity consumed or estimated to have been consumed on and after May 1, 2010.
3. Chapleau shall report within 60 days of the issuance of this decision to notify the Board what steps it has taken to ensure its continued financial viability.

DATED at Toronto, June 22, 2010

ONTARIO ENERGY BOARD

Original Signed By

Ken Quesnelle
Presiding Member

Original Signed By

Marika Hare
Member

Appendix A

To Decision and Order

EB-2010-0174

EB-2009-0219

June 22, 2010

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
except for the microFIT Generator Class effective date of September 21, 2009

**This schedule supersedes and replaces all previously
approved schedules of Rates, Charges and Loss Factors**

EB-2009-0219

RESIDENTIAL SERVICE CLASSIFICATION

This classification refers to an account taking electricity at 750 volts or less where the electricity is used exclusively by a single family unit, non-commercial. This can be a separately metered living accommodation, town house, apartment, semi-detached, duplex, triplex or quadruplex with residential zoning. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Code or Order of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.

No rates and charges for the distribution of electricity and charges to meet the costs of any work or service done or furnished for the purpose of the distribution of electricity shall be made except as permitted by this schedule, unless required by the Distributor's Licence or a Code or Order of the Board, and amendments thereto as approved by the Board, or as specified herein.

Unless specifically noted, this schedule does not contain any charges for the electricity commodity, be it under the Regulated Price Plan, a contract with a retailer or the wholesale market price, as applicable.

It should be noted that this schedule does not list any charges or assessments that are required by law to be charged by a distributor and that are not subject to Board approval, such as the Debt Retirement Charge, charges for Ministry of Energy and Infrastructure Conservation and Renewable Energy Program, the Provincial Benefit and any applicable taxes.

MONTHLY RATES AND CHARGES – Delivery Component

Service Charge	\$	18.46
Smart Meter Funding Adder	\$	1.00
Distribution Volumetric Rate	\$/kWh	0.0102
Low Voltage Service Rate	\$/kWh	0.0012
Rate Rider for Deferral/Variance Account Disposition (2008) – interim	\$/kWh	(0.0030)
Rate Rider for Deferral/Variance Account Disposition (2010) – effective until April 30, 2011	\$/kWh	(0.0037)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0053
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0015

MONTHLY RATES AND CHARGES – Regulatory Component

Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0013
Standard Supply Service – Administrative Charge (if applicable)	\$	0.25

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
except for the microFIT Generator Class effective date of September 21, 2009

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EB-2009-0219

GENERAL SERVICE LESS THAN 50 kW SERVICE CLASSIFICATION

This classification refers to a non residential account taking electricity at 750 volts or less whose average monthly average peak demand is less than, or is forecast to be less than, 50 kW. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Code or Order of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.

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MONTHLY RATES AND CHARGES – Delivery Component

Service Charge	\$	30.01
Smart Meter Funding Adder	\$	1.00
Distribution Volumetric Rate	\$/kWh	0.0122
Low Voltage Service Rate	\$/kWh	0.0011
Rate Rider for Deferral/Variance Account Disposition (2008) – interim	\$/kWh	(0.0031)
Rate Rider for Deferral/Variance Account Disposition (2010) – effective until April 30, 2011	\$/kWh	(0.0037)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0047
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0014

MONTHLY RATES AND CHARGES – Regulatory Component

Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0013
Standard Supply Service – Administrative Charge (if applicable)	\$	0.25

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
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EB-2009-0219

GENERAL SERVICE 50 to 4,999 kW SERVICE CLASSIFICATION

This classification refers to a non residential account whose monthly average peak demand is equal to or greater than, or is forecast to be equal to or greater than, 50 kW but less than 5,000 kW. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Code or Order of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.

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MONTHLY RATES AND CHARGES – Delivery Component

Service Charge	\$	188.76
Smart Meter Funding Adder	\$	1.00
Distribution Volumetric Rate	\$/kW	2.6069
Low Voltage Service Rate	\$/kW	0.4424
Rate Rider for Deferral/Variance Account Disposition (2008) – interim	\$/kW	(1.1903)
Rate Rider for Deferral/Variance Account Disposition (2010) – effective until April 30, 2011	\$/kW	0.8172
Retail Transmission Rate – Network Service Rate	\$/kW	1.9232
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	0.5431

MONTHLY RATES AND CHARGES – Regulatory Component

Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0013
Standard Supply Service – Administrative Charge (if applicable)	\$	0.25

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
except for the microFIT Generator Class effective date of September 21, 2009

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EB-2009-0219

UNMETERED SCATTERED LOAD SERVICE CLASSIFICATION

This classification refers to an account taking electricity at 750 volts or less whose monthly average peak demand is less than, or is forecast to be less than, 50 kW and the consumption is unmetered. Such connections include cable TV power packs, bus shelters, telephone booths, traffic lights, railway crossings, etc. The customer will provide detailed manufacturer information/ documentation with regard to electrical demand/consumption of the proposed unmetered load. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Code or Order of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.

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MONTHLY RATES AND CHARGES – Delivery Component

Service Charge (per connection)	\$	20.13
Distribution Volumetric Rate	\$/kWh	0.0125
Low Voltage Service Rate	\$/kWh	0.0011
Rate Rider for Deferral/Variance Account Disposition (2008) – interim	\$/kWh	(0.0009)
Rate Rider for Deferral/Variance Account Disposition (2010) – effective until April 30, 2011	\$/kWh	(0.0045)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0047
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0014

MONTHLY RATES AND CHARGES – Regulatory Component

Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0013
Standard Supply Service – Administrative Charge (if applicable)	\$	0.25

Chapleau Public Utilities Corporation
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EB-2009-0219

SENTINEL LIGHTING SERVICE CLASSIFICATION

This classification refers to accounts that are an unmetered lighting load supplied to a sentinel light. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

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MONTHLY RATES AND CHARGES – Delivery Component

Service Charge (per connection)	\$	4.41
Distribution Volumetric Rate	\$/kW	6.7283
Low Voltage Service Rate	\$/kW	0.3492
Rate Rider for Deferral/Variance Account Disposition (2008) – interim	\$/kW	(0.9209)
Rate Rider for Deferral/Variance Account Disposition (2010) – effective until April 30, 2011	\$/kW	(1.6052)
Retail Transmission Rate – Network Service Rate	\$/kW	1.4579
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	0.4287

MONTHLY RATES AND CHARGES – Regulatory Component

Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0013
Standard Supply Service – Administrative Charge (if applicable)	\$	0.25

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
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EB-2009-0219

STREET LIGHTING SERVICE CLASSIFICATION

This classification refers to an account for roadway lighting with a Municipality, Regional Municipality, Ministry of Transportation and private roadway lighting operation, controlled by photo cells. The consumption for these customers will be based on the calculated connected load times the required lighting times established in the approved OEB street lighting load shape template. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Code or Order of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.

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MONTHLY RATES AND CHARGES – Delivery Component

Service Charge (per connection)	\$	3.10
Distribution Volumetric Rate	\$/kW	14.4149
Low Voltage Service Rate	\$/kW	0.3420
Rate Rider for Deferral/Variance Account Disposition (2008) – interim	\$/kW	(1.1014)
Rate Rider for Deferral/Variance Account Disposition (2010) – effective until April 30, 2011	\$/kW	(1.6779)
Retail Transmission Rate – Network Service Rate	\$/kW	1.4505
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	0.4199

MONTHLY RATES AND CHARGES – Regulatory Component

Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0013
Standard Supply Service – Administrative Charge (if applicable)	\$	0.25

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
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EB-2009-0219

microFIT GENERATOR SERVICE CLASSIFICATION

This classification applies to an electricity generation facility contracted under the Ontario Power Authority's microFIT program and connected to the distributor's distribution system. Further servicing details are available in the distributor's Conditions of Service.

APPLICATION

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MONTHLY RATES AND CHARGES – Delivery Component – effective September 21, 2009

Service Charge	\$	5.25
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Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
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EB-2009-0219

ALLOWANCES

Transformer Allowance for Ownership - per kW of billing demand/month	\$	(0.60)
Primary Metering Allowance for transformer losses – applied to measured demand and energy	%	(1.00)

SPECIFIC SERVICE CHARGES**APPLICATION**

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Customer Administration		
Arrears certificate	\$	15.00
Credit reference/credit check (plus credit agency costs)	\$	15.00
Returned Cheque (plus bank charges)	\$	15.00
Account set up charge/change of occupancy charge (plus credit agency costs if applicable)	\$	30.00
Special meter reads	\$	30.00
Meter dispute charge plus Measurement Canada fees (if meter found correct)	\$	30.00
Non-Payment of Account		
Late Payment - per month	%	1.50
Late Payment - per annum	%	19.56
Collection of account charge – no disconnection	\$	30.00
Disconnect/Reconnect at meter – during regular hours	\$	65.00
Install/Remove load control device – during regular hours	\$	65.00
Specific Charge for Access to the Power Poles – per pole/year	\$	22.35

Chapleau Public Utilities Corporation
TARIFF OF RATES AND CHARGES
Effective and Implementation Date May 1, 2010
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EB-2009-0219

RETAIL SERVICE CHARGES (if applicable)

APPLICATION

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Retail Service Charges refer to services provided by a distributor to retailers or customers related to the supply of competitive electricity

One-time charge, per retailer, to establish the service agreement between the distributor and the retailer	\$	100.00
Monthly Fixed Charge, per retailer	\$	20.00
Monthly Variable Charge, per customer, per retailer	\$/cust.	0.50
Distributor-consolidated billing charge, per customer, per retailer	\$/cust.	0.30
Retailer-consolidated billing credit, per customer, per retailer	\$/cust.	(0.30)
Service Transaction Requests (STR)		
Request fee, per request, applied to the requesting party	\$	0.25
Processing fee, per request, applied to the requesting party	\$	0.50
Request for customer information as outlined in Section 10.6.3 and Chapter 11 of the Retail Settlement Code directly to retailers and customers, if not delivered electronically through the Electronic Business Transaction (EBT) system, applied to the requesting party		
Up to twice a year		no charge
More than twice a year, per request (plus incremental delivery costs)	\$	2.00

LOSS FACTORS

If the distributor is not capable of prorating changed loss factors jointly with distribution rates, the revised loss factors will be implemented upon the first subsequent billing for each billing cycle.

Total Loss Factor – Secondary Metered Customer < 5,000 kW	1.0654
Total Loss Factor – Primary Metered Customer < 5,000 kW	1.0506