



EB-2014-0116

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 Toronto Hydro-Electric System Limited for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2015 and for each following year effective January 1 through to December 31, 2019.

PROCEDURAL ORDER NO. 6
January 16, 2015

Toronto Hydro-Electric System Limited (“THESL” or the “Applicant”) filed a Custom Incentive Rate (“CIR”) application (the “Application”) with the Ontario Energy Board (the “Board”) on July 31, 2014 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that THESL charges for electricity distribution, to be effective May 1, 2015 and each year until December 31, 2019. Commencing in 2016, rates will be effective January 1.

On December 19, 2014, the School Energy Coalition (SEC) filed a Notice of Motion with the Board requesting an order requiring THESL to provide a full and adequate response to interrogatory 1B-SEC-8 and more specifically to produce benchmarking documents that THESL has participated in through the Canadian Electricity Association (CEA) (the SEC Motion).

On January 10, 2015, CEA filed a late intervention request with respect to the SEC Motion on the basis that the SEC Motion seeks to compel the disclosure and reproduction by THESL effectively of confidential benchmarking data and reports and data models owned by CEA. In Procedural Order No. 5, the Board, among other things, approved CEA’s intervention request.

With respect to CEA's advice that it would be filing a Notice of Constitutional Question pursuant to section 38.01 of the Board's *Rules of Practice and Procedure*, the Board noted that 15 days must be allowed between when CEA files its Notice of Constitutional Question and the hearing of this matter. The Board accordingly determined that CEA was directed to file with the Board and deliver to all parties its Notice of Constitutional Question by January 14, 2015 and that the SEC Motion would be heard on Friday January 30, 2015.

On January 14, 2015, CEA filed its Notice of Constitutional Question.

The Board will, accordingly, establish further procedural steps related to the hearing of the SEC Motion. The CEA is required to file any materials related to the SEC Motion by Wednesday January 21, 2015. Parties wishing to file submissions on any CEA motion material shall do so by Monday January 26, 2015. Should the CEA wish to make any reply submissions, this shall be done by Wednesday January 28, 2015.

As established by Procedural Order No. 5, a motions day to hear the SEC Motion will be held on January 30, 2015.

The Board considers it necessary to make provision at this time for the following procedural steps.

THE BOARD ORDERS THAT:

1. CEA is directed to file with the Board and deliver to all parties any materials related to the SEC Motion by **January 21, 2015**.
2. Parties wishing to make any submissions on the CEA SEC Motion materials shall file any such material with the Board and deliver it to all parties by **January 26, 2015**.
3. Should CEA wish to file any reply submissions it shall file such material with the Board and deliver it to all parties by **January 28, 2015**.

All filings to the Board must quote the file number, EB-2014-0116, and be made electronically through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, in searchable / unrestricted PDF

format. Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Martin Davies at Martin.Davies@ontarioenergyboard.ca and Board Counsel, Maureen Helt at Maureen.Helt@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, January 16, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary