



EB-2016-0085

## **InnPower Corporation**

### **Application for electricity distribution rates and other charges beginning July 1, 2017**

#### **PROCEDURAL ORDER NO. 3 September 1, 2017**

InnPower Corporation (InnPower) filed an amended cost of service application with the Ontario Energy Board (OEB) on May 11, 2017 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 InnPower charges for electricity distribution, to be effective July 1, 2017.

The OEB issued Procedural Order No. 1 on May 16, 2017, which provided for the filing of interrogatories and responses. Procedural Order No. 2 was issued on May 26, 2017 and required InnPower to provide notice of the application to three specific customer groups that would be directly impacted by one or more of the proposed changes to specific service charges, and provided for further interrogatories and responses.

On August 23, 2017, the OEB received a letter from InnPower's counsel advising that InnPower was withdrawing its request to increase rates for two of the customer groups (pole attachment customers and microFIT customers) and that it had no customers in the third group (net metering customers).

On August 25, 2017, the OEB received a letter from the School Energy Coalition (SEC), an intervenor in this proceeding. SEC submitted that the evidence filed by InnPower shows that the pole attachment charge should be increased, and as a result of proper cost allocation, the rates to all other customers would be decreased. SEC therefore submitted that the appropriate pole attachment charge remains a relevant issue in this proceeding.

By way of letter dated August 28, 2017, InnPower's counsel challenged SEC's position and requested that the OEB allow it to withdraw its proposal to change the pole attachment charge.

The OEB accepts InnPower's information that it does not have any net metering customers. The OEB does not have confirmation that the pole attachment and microFIT customers have been served notice of this proceeding. If notice has not been served, InnPower must do this immediately and file an affidavit of this service with the OEB by September 15, 2017. Included with the Notice, InnPower shall also provide a copy of all procedural orders.

The Letter of Direction accompanying the original Notice of Application directed InnPower to make a copy of the Notice, the application and evidence, and any amendments thereto, available for public review at InnPower's office and in a prominent place on InnPower's website. The Letter of Direction also required InnPower, if it has a Twitter account, to send a message that it has applied to the OEB to increase its electricity distribution rates and to provide a live link to the Notice posted on its website. The OEB notes that the steps regarding the posting of evidence on InnPower's website and the required Twitter message have not been completed and must be done immediately. The action taken by InnPower to address these issues must be stated in the affidavit of service to be filed with the OEB by September 15, 2017, in addition to InnPower confirming that the evidence is available for public review at InnPower's office.

In order for the proceeding to progress in a timely manner, the OEB has decided to schedule procedural steps for all issues raised in the Application, except InnPower's pole attachment and microFIT charges. The OEB plans to issue further procedural direction with respect to the pole attachment and microFIT charges in a subsequent procedural order. Any requests for intervenor status received after the date of this Procedural Order will be considered by the OEB, provided they are limited to the pole attachment or microFIT rates.

After reviewing the evidence and the interrogatory responses, the OEB has determined that it will proceed by way of an oral hearing. The OEB has established a process for developing a draft issues list and has set dates for a technical conference and the oral hearing. The OEB will not provide for a settlement conference.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders will be issued by the OEB.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. InnPower shall arrange for the service of the Notice of Application and all procedural orders in this proceeding, on any pole attachment and microFIT

customers or customer groups that would be affected by the proposed pole attachment or microFIT charges included in its original Application.

2. InnPower shall file with the OEB an affidavit of service in both electronic and paper forms proving completion of the matters in paragraph 1 above immediately thereafter and no later than September 15, 2017. The affidavit must also confirm that InnPower has made the application available for public review at InnPower's office, posted the application in a prominent place on InnPower's website and sent the required message through Twitter.
3. An intervention request received by September 29, 2017, with respect to pole attachment and/or microFIT charges will not be considered as a late intervention request.
4. A transcribed technical conference will be held regarding all issues raised in the Application, except for the pole attachment and microFIT. The technical conference will be held **September 12, 2017** starting at 9:30 am in the OEB's hearing room at 2300 Yonge Street, 25th floor and continue on **September 13, 2017**, if necessary. The purpose of the technical conference is to clarify any matters arising from the interrogatories only. Parties intending to participate are to notify InnPower, and copy all parties, of the topic areas for questioning by **September 8, 2017**.
5. OEB staff will organize a discussion among the parties on the formation of a draft issues list. This discussion may be convenient following completion of the technical conference. The draft issues list should indicate which issues the parties propose be heard through a written hearing. The OEB will provide guidance in a subsequent procedural order on the pole attachment and microFIT charges, therefore these charges should not be included on the draft issues list. OEB staff shall file a proposed issues list, or file a letter with the OEB, indicating that the parties were unable to reach agreement on a draft issues list, by **September 15, 2017**.
6. InnPower shall file any material arising from the technical conference, as agreed by parties to the technical conference, by **September 20, 2017**.
7. An oral hearing will be held on **October 3, 2017** at 9:30 am in the OEB's hearing room at 2300 Yonge Street, 25th floor and continue on **October 4 & 5, 2017**, if necessary.

All filings to the OEB must quote the file number, EB-2016-0085, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB'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.oeb.ca/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, Fiona O'Connell at [fiona.oconnell@oeb.ca](mailto:fiona.oconnell@oeb.ca) and OEB Counsel, Ljuba Djurdjevic at [ljuba.djurdjevic@oeb.ca](mailto:ljuba.djurdjevic@oeb.ca).

## **ADDRESS**

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**DATED** at Toronto, **September 1, 2017**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary