



EB-2017-0212

**Entegrus Powerlines Inc.
St. Thomas Energy Inc.**

**Application for approvals to effect the amalgamation of
Entegrus Powerlines Inc. and St Thomas Energy Inc.**

PROCEDURAL ORDER NO. 1

October 25, 2017

Entegrus Powerlines Inc. (Entegrus Powerlines) and St. Thomas Energy Inc. (St. Thomas Energy) (collectively, the applicants) filed an application with the Ontario Energy Board (OEB) on July 21, 2017 under section 86 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (the Act) seeking approval of the following:

- Amalgamation of St. Thomas Energy with Ascent Group Inc. and to continue as STE Amalco
- Acquisition of all shares of STE Amalco by Entegrus Inc. from the City of St. Thomas in exchange for shares of Entegrus Inc.
- Amalgamation of Entegrus Powerlines and STE Amalco and to continue as Entegrus Powerlines

The applicants also seek approval for:

- Transfer of St. Thomas Energy's rate order to Entegrus Powerlines, under section 18 of the Act
- Cancellation of St. Thomas Energy's electricity distribution licence, under section 77(5) of the Act

The OEB issued a Notice of Hearing on August 31, 2017.

Capredoni Enterprises Ltd. (CEL) applied for intervenor status and eligibility for cost awards. The letter from CEL states that intervenor status is being sought by Mr. Capredoni on behalf of his own small business and as a representative/advocate for other small business owners in the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce.

On September 10, 2017, the applicants filed a response objecting to CEL's intervention request. The applicants submitted that Mr. Capredoni or CEL has not provided information describing the intervenor, its membership (as applicable), the interest of the intervenor in the proceeding and grounds for the intervention in order to demonstrate a "substantial interest" in the proceeding as is required under Rule 22.03 of the OEB's *Rules of Practice and Procedure*.

The applicants submitted that Mr. Capredoni's business is not within the service areas of either of the licensed applicants and Mr. Capredoni does not appear to be a customer of either of the applicants. The applicants also noted that CEL had not provided any evidence or information to particularize or substantiate the membership/constituency represented, the types of programs or activities engaged in to carry out such a mandate, or the basis of appointment, authorization or manner of obtaining instructions.

The applicants objected to CEL's request for cost award eligibility, submitting that CEL does not represent ratepayers in the service areas of either of the regulated applicants and has not identified an interest or policy perspective relevant to the OEB's mandate and current proceeding to demonstrate an authorization or qualification for representation.

In a letter dated October 6, 2017, the OEB sought additional information from CEL in relation to CEL's mandate and objectives, its authorization to represent the members of the noted Chambers of Commerce and a description of CEL's substantial interest. CEL was required to provide this information by October 13, 2017.

The OEB has not received the additional information that was requested of CEL. Accordingly, CEL's request for intervenor status and cost eligibility is denied. It is unclear from the notice of intervention whether CEL or Mr. Capredoni has been formally appointed to represent or advocate on behalf of the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce. Where an individual claims to represent the interests of other individuals or businesses, evidence must be provided to

support this. The OEB also notes that CEL's notice of intervention does not state whether CEL is a customer of the applicants, nor does it adequately explain how CEL or any of the members that CEL claims to represent has a substantial interest in the outcome of the proceeding. The OEB does not therefore have any basis upon which to approve the intervention request as filed.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. OEB staff shall request any information and material from the applicants that is in addition to the applicants' evidence and that is relevant to the hearing by written interrogatories filed with the OEB and delivered to the applicants by **November 8, 2017**.
2. The applicants shall file with the OEB complete written responses to the interrogatories by **November 22, 2017**.

All filings to the OEB must quote the file number, **EB-2017-0212** and be made electronically in searchable/unrestricted PDF format 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/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, Judith Fernandes at

judith.fernandes@oeb.ca and OEB Counsel, Ljuba Djurdjevic at
ljuba.djurdjevic@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Registrar

E-mail: registrar@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **October 25, 2017**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar