



**EB-2013-0193**

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

**AND IN THE MATTER OF** a Motion to Review and Vary by  
Milton Hydro Distribution Inc. pursuant to the Ontario Energy  
Board's *Rules of Practice and Procedure* for a review of the  
Board's Decision and Order in proceeding EB-2012-0148.

**BEFORE:** Paula Conboy  
Presiding Member

Marika Hare  
Member

Ellen Fry  
Member

**NOTICE OF MOTION TO VARY  
AND PROCEDURAL ORDER No. 1**

May 14, 2013

On April 25, 2013, Milton Hydro Distribution Inc. ("Milton Hydro") filed with the Ontario Energy Board (the "Board") a Notice of Motion to Review and Vary (the "Motion") the Board's Decision and Order dated April 4, 2013 in respect of Milton Hydro's 2013 IRM3 application (EB-2012-0148). The Board has assigned the Motion file number EB-2013-0193.

The Motion seeks to vary the Board's EB-2012-0148 Decision and Order to permit Milton Hydro to recover a Lost Revenue Adjustment Mechanism ("LRAM") amount of \$107,762, for 2010 CDM programs persistent into 2011 and 2012. The grounds for the Motion are that the Board made its Decision based on errors in fact and there is therefore a question of correctness. The Motion alleges that the Board failed to take

into consideration the facts presented in its 2011 Cost of Service Rate Application and IRM3 Application EB-2012-0148 in relation to Milton Hydro's responses to Board staff and intervenor interrogatories and Milton Hydro's submission. Milton Hydro proposed that the Motion be heard by way of a written hearing and the LRAM claim be recoverable through a class specific rate rider over a one year period.

For this Motion the Board will grant intervenor status and cost award eligibility to the Vulnerable Energy Consumers Coalition ("VECC"), which was the only intervenor in Milton Hydro's 2013 rate application.

Given the narrow scope of the Motion, the Board has determined that it will hear submissions on the threshold question of whether the matter should be reviewed (as contemplated in the Board's *Rules of Practice and Procedure*). If the Board determines that the threshold has been met it will then consider the merits of the Motion. The Board will proceed by way of a written hearing.

#### **THE BOARD THEREFORE ORDERS THAT:**

1. Milton Hydro Distribution Inc. shall file with the Board and deliver to VECC any additional material in support of its Motion by no later than **May 22, 2013**.
2. VECC and Board staff may file written submissions with the Board and deliver it to Milton Hydro Distribution Inc. no later than **June 3, 2013**.
3. Milton Hydro Distribution Inc. may file a written reply submission with the Board and deliver it to VECC no later than **June 10, 2013**.

All filings to the Board must quote file number **EB-2013-0193**, be made through the Board's web portal at [www.pes.ontarioenergyboard.ca/eservice/](http://www.pes.ontarioenergyboard.ca/eservice/), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca/OEB/Industry](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, Kelli Benincasa at [Kelli.Benincasa@ontarioenergyboard.ca](mailto:Kelli.Benincasa@ontarioenergyboard.ca) and Board Counsel, Maureen Helt at [Maureen.Helt@ontarioenergyboard.ca](mailto:Maureen.Helt@ontarioenergyboard.ca).

### **ADDRESS**

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**DATED** at Toronto, May 14, 2013

### **ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary