



EB-2013-0147

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 Kitchener-
Wilmot Hydro Inc. for an order approving just and
reasonable rates and other charges for electricity distribution
to be effective January 1, 2014.

PROCEDURAL ORDER NO. 1

August 22, 2013

Kitchener-Wilmot Hydro Inc. ("KWHI") filed an application (the "Application") with the Ontario Energy Board (the "Board") on May 17, 2013 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 KWHI charges for electricity distribution, to be effective January 1, 2014. The Board has assigned the Application file number EB-2013-0147. On June 6, 2013, the Board sent a letter informing KWHI that certain aspects of the Application were incomplete. KWHI filed updates on June 17, 2013 and re-filed its Application on June 21, 2013, revising the Application so that the accounting reflected in the Application aligns with the updated Canadian Generally Accepted Accounting Practices which KWHI uses for financial reporting purposes.

The Board issued a Notice of Application and Hearing dated July 16, 2013. The Energy Probe Research Foundation ("Energy Probe") and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objections were received.

The Board issued a letter on August 1, 2013, instructing KWHI to provide certain additional information in compliance of the updated *Filing Requirements for Transmission and Distribution Applications* (the "Filing Requirements") issued on July

17, 2013. KWHI filed the additional information on August 9, 2013, and made a further filing on August 13, 2013 to update and correct certain information.

On August 19, 2013, the School Energy Coalition ("SEC") filed a late request for intervenor status and cost eligibility. No objection was received.

The Board approves Energy Probe, SEC and VECC as intervenors. The Board has also determined that Energy Probe, SEC and VECC are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board has also decided to make provision at this time for written interrogatories. The Board reminds parties that interrogatories must reference the pre-filed evidence and, in accordance with Chapter 1 of the Filing Requirements, parties must sort their interrogatories and responses by topics as outlined in the exhibits in the Filing Requirements. Parties must use a continuous numbering system to facilitate subsequent referencing of the interrogatories, as described in Chapter 1 of the Filing Requirements. After its review of the responses, the Board will determine the next steps.

The Board reminds parties not to engage in detailed exploration of items that do not appear to be material. The materiality thresholds documented in Chapter 2 of the Filing Requirements should be used by the parties. The Board will consider at the cost award stage of the process whether or not specific intervenors have engaged in excessively detailed exploration of non-material issues and may reflect this in the cost award decision.

Confidentiality

In its revised Application filed on June 21, 2013, KWHI has claimed confidentiality with respect to a report issued by Dion Durrell & Associates Inc. filed as Exhibit 4/Tab 4/Schedule 1, following Appendix 2-K, pursuant to the Board's *Practice Direction on Confidentiality* (the "Practice Direction"). KWHI has claimed confidentiality for the entire document. The basis for the claim is that Dion Durrell & Associates Inc. "is a consulting firm engaged in competitive business and that public disclosure of its methodologies [documented in the actuarial report commissioned by KWHI] could disadvantage them in the marketplace."

Article 5.1.4 of the Practice Direction states:

- 5.1.4. A request for confidentiality must include the following items:
- (a) a cover letter indicating the reasons for the confidentiality request, including the reasons why the information at issue is considered confidential and the reasons why public disclosure of that information would be detrimental;
 - (b) a confidential, un-redacted version of the document containing all of the information for which confidentiality is requested. This version of the document should be marked “confidential” and should identify all portions of document for which confidentiality is claimed by using shading, square brackets or other appropriate markings. If confidential treatment is requested in relation to the entire document, the document should be printed on coloured paper; and
 - (c) either:
 - i. a non-confidential, redacted version of the document from which the information that is the subject of the confidentiality request has been deleted or stricken; or
 - ii. where the request for confidentiality relates to the entire document, a non-confidential description or summary of the document.

The Board notes that, while (a) and (b) of Article 5.1.4 have been provided, (c) has not been complied with.

The Board directs KWHI to file either a non-confidential, redacted version of the Dion Durrell & Associates Inc. document or a non-confidential summary of the document.

The Board notes that similar reports have been filed on the public record of other rate applications. If parties so request, the Board will provide for submissions from KWHI and from other parties as to whether the confidentiality should be upheld before the Board renders its decision on this matter.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Kitchener-Wilmot Hydro Inc. should file either a non-confidential redacted version of the Dion Durrell & Associates Inc. report or a summary of that report by August 30, **2013**.
2. Intervenors and Board staff may make any submissions with respect to the claim for confidentiality of the Dion Durrell & Associates Inc. document by September 6, **2013**.
3. Kitchener-Wilmot Hydro Inc. shall make any reply submission with respect to the claim for confidentiality of the Dion Durrell & Associates Inc. document by **September 11, 2013**.
4. Intervenors shall request any information and material from Kitchener-Wilmot Hydro Inc. that is in addition to its pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and served to Kitchener-Wilmot Hydro Inc. on or before **September 24, 2013**. Interrogatories from Board staff shall be submitted on or before **September 19, 2012**.
5. Kitchener-Wilmot Hydro Inc. shall file with the Board complete written responses to the interrogatories and serve them to the intervenors on or before **October 15, 2013**.

All filings to the Board must quote the file number, EB-2013-0147, be made through the Board's web portal at <https://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 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, Keith Ritchie at keith.ritchie@ontarioenergyboard.ca and Board Counsel, Maureen Helt at Maureen.helt@ontarionenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
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Attention: Board Secretary

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Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **August 22, 2012**

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A

To

Procedural Order No. 1

Kitchener-Wilmot Hydro Inc.

EB-2013-0147

Applicant and List of Intervenor

August 22, 2013

**Kitchener-Wilmot Hydro Inc.
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APPLICANT & LIST OF INTERVENORS

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APPLICANT

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INTERVENORS

Rep. and Address for Service

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School Energy Coalition

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**Vulnerable Energy
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**Kitchener-Wilmot Hydro Inc.
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**Vulnerable Energy
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