



**EB-2013-0331**

**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 Hydro One Remote Communities Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2013.

**AND IN THE MATTER OF** a Motion to Review the Decision and Order issued on August 22, 2013, filed by Nishnawbe Aski Nation

### **PROCEDURAL ORDER NO. 1**

**October 11, 2013**

On September 11, 2013 Nishnawbe Aski Nation (“NAN”) filed a Motion to Review (the “Motion”) a Decision of the Ontario Energy Board (the “Board”) issued on August 22, 2013 (EB-2012-0137) The proceeding concerned Hydro One Remote Communities Inc. (“Remotes”) application to the Board under section 78 of the Ontario Energy Board Act, 1998, seeking approval for changes to the rates that Remotes charges for electricity distribution, to be effective May 1, 2013.

In its Motion, NAN asked that the Board revise its Decision by restricting the rate increase for residential customers served by Remotes to 2.0% rather than the 3.45% which was approved. NAN proposed that the record for the Motion would include the evidentiary record of the EB-2012-0137 proceeding, and the Board’s Rules of Practice and Procedure. NAN also advised that there might be additional evidence filed, however it did not provide any details as to what that evidence might be or include any further evidence with its Motion materials.

NAN requested that the Board hear the Motion orally rather than in writing.

The Board issued an acknowledgement of the Motion on September 23, 2013, which was served on all parties in the EB-2012-0137 proceeding. The Board requested submissions from parties on whether to proceed with an oral or written hearing. Submissions were received from Remotes on September 24, 2013 recommending a written hearing. An additional comment was received from NAN on October 4, 2013 reiterating its request for an oral hearing. Board staff filed its submission on October 7, 2013 recommending a written hearing. The Board issued a Rate Order on September 27, 2013. The Rate Order implements the Decision to increase consumer rates by 3.45%, effective May 1, 2013, with implementation date November 1, 2013.

### **Board Findings**

The Board has determined that before ruling on a written or oral hearing of the merits of the Motion, it will first consider the threshold issue of whether the matter should be reviewed pursuant to section 45.01 of the Board's *Rules of Practice and Procedure*. Cost awards will not be granted for participation in the initial threshold stage of this proceeding. The Board will determine whether there may be cost awards for participation in the subsequent stage(s) if it decides to proceed with a review of the Decision.

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

1. Nishnawbe Aski Nation shall file its submission on the threshold issue and serve it on all other parties no later than **October 22, 2013**.
2. Cat Lake First Nation, Energy Probe Research Foundation, the Vulnerable Energy Consumers Coalition, Hydro One Remote Communities Inc., and Board staff shall file any submissions on the threshold issue on or before **October 29, 2013**.
3. Nishnawbe Aski Nation shall file its reply submission on the threshold issue, if any, and serve it on all other parties no later than **November 3, 2013**.

All filings to the Board must quote the file number, EB-2012-0137, 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 must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

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[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, Neil Mather at [Neil.Mather@ontarioenergyboard.ca](mailto:Neil.Mather@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, October 11, 2013

### **ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**Appendix 'A'**

**To**

**Procedural Order No. 1**

**NAN Motion to Review Decision re  
Hydro One Remotes Communities Inc.**

**EB-2013-0331**

**Applicant and List of Intervenors**

**October 11, 2013**

**Nishnawbe Aski Nation  
EB-2013-0331**

**APPLICANT & LIST OF INTERVENORS**

October 11, 2013

**APPLICANT**

**Rep. and Address for Service**

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**INTERVENORS**

**Rep. and Address for Service**

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**Energy Probe Research  
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**Nishnawbe Aski Nation  
EB-2013-0331**

**APPLICANT & LIST OF INTERVENORS**

October 11, 2013

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Foundation**

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**Vulnerable Energy  
Consumers Coalition**

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**Nishnawbe Aski Nation  
EB-2013-0331**

**APPLICANT & LIST OF INTERVENORS**

October 11, 2013

**Vulnerable Energy  
Consumers Coalition**

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