



**EB-2013-0159**

**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 Oakville Hydro  
Electricity Distribution Inc. for an order approving just and  
reasonable rates and other charges for electricity  
distribution to be effective May 1, 2014.

**PROCEDURAL ORDER NO. 5**

**March 14, 2014**

Oakville Hydro Electricity Distribution Inc. ("Oakville Hydro") filed a complete cost of service application with the Ontario Energy Board (the "Board") on October 1, 2013 under section 78 of the *Ontario Energy Board Act, 1998*), seeking approval for changes to the rates that Oakville Hydro charges for electricity distribution, to be effective May 1, 2014.

Oakville Hydro filed its interrogatory responses with the Board on February 21, 2014.

On February 27, 2014 the School Energy Coalition ("SEC") filed a Notice of Motion ("Motion"). The Motion seeks the following relief:

1. An order requiring Oakville Hydro to provide full and adequate responses to Interrogatory 2.1-SEC-3 by producing copies of two surveys/studies.
2. Such further and other relief as SEC may request and the Board may grant.

The Board issued Procedural Order No. 3 on February 28, 2014 which established a schedule for parties to make submissions on the Motion.

On March 4, 2014 the Canadian Electricity Association (CEA) filed a letter requesting intervenor status in order that it could make submissions on the Motion. The CEA indicated that it is the owner of copyright of the benchmarking reports and data models that could be disclosed as a result of granting the Motion. The CEA also specified that, if granted intervenor status, it would make submissions on the Motion and also requested that Procedural Order No. 3 be amended to allow more time for submissions on the Motion.

The Board issued Procedural Order No. 4 on March 6, 2014 and granted the CEA intervenor status for the sole purpose of responding to the Motion and making submissions with respect to not only the request for production of the benchmarking report but also, if the report is ordered produced, whether it should be treated as confidential in whole or in part. Accordingly, the Board amended the deadlines for submissions then found in Procedural Order No. 3. The new deadlines were as follows: Intervenor or Board staff who wished to file submissions on the Motion had to do so by March 17, 2014; Oakville Hydro would have until March 21, 2014 to file its response to the Motion and any submissions and; SEC had until March 26, 2014 to file its reply submission. Any Settlement Proposal would be filed by April 3, 2014.

On March 13, 2014 the Board received a letter from the CEA which requested that the deadline for the filing of submissions from intervenors be extended from March 17, 2014 to March 24, 2014. CEA indicated that it needs to consult with its membership given the vital importance of the Motion and that the March 17, 2014 deadline provides insufficient time to do so. The CEA noted that SEC's motion was brought without notice to the CEA, which is directly impacted by the Motion. The CEA also advised that it will be filing a Notice of Constitutional Question pursuant to section 38.01 of the Board's Rules of Practice and Procedure at the time it files its submission on the SEC Motion.

The Board considers it reasonable to extend the deadline under the circumstances.

Accordingly, the Board will amend the deadlines for submissions found in Procedural Order No. 4 as shown below:

The Board notes that the deadline for the filing of the settlement proposal remains April 3, 2014.

The Board considers it necessary to make provision at this time for the following procedural steps.

**THE BOARD ORDERS THAT:**

1. The CEA shall file its submission on the Motion and its Notice of Constitutional Question with the Board and deliver it to all parties on or before end of day March 24, 2014
2. Other intervenors or Board staff who wish to file submissions on the Motion and/or Notice of Constitutional Question shall file their submission with the Board and deliver it to all parties on or before end of day April 8, 2014.
3. Oakville Hydro shall file its response to the Motion and/or the Notice of Constitutional Question and any filed submissions and deliver it to all parties on or before end of day April 15, 2014.
4. SEC shall file any reply with the Board and deliver it to all parties on or before end of day April 22, 2014.

All filings to the Board must quote the file number, EB-2013-0159 and be made electronically through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, in searchable / unrestricted PDF format. Two paper copies must also be filed at the Board'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.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.

Parties should also send all communications and materials for this proceeding to Board staff's case manager, Harold Thiessen at [Harold.Thiessen@ontarioenergyboard.ca](mailto:Harold.Thiessen@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, March 14, 2014

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary