



**EB-2013-0155**

**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 Niagara-on-the-  
Lake Hydro Inc. for an order approving just and reasonable  
rates and other charges for electricity distribution to be  
effective May 1, 2014.

**PROCEDURAL ORDER NO. 4**  
**March 25, 2014**

Niagara-on-the-Lake Hydro Inc. ("NOTL Hydro") filed a complete application with the Ontario Energy Board (the "Board") on September 30, 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 NOTL Hydro charges for electricity distribution, to be effective May 1, 2014. The Board issued a Notice of Application and Hearing dated October 29, 2013.

The Board issued Procedural Order No. 3 dated February 12, 2014, in which the Board made provisions for a Settlement Conference to be held on February 19 and 20, 2014. Any settlement proposal arising from the Settlement Conference was to be filed on March 6, 2014.

On March 4, NOTL Hydro filed a letter indicating that it had circulated the first draft of the settlement proposal to all parties but would be unable to meet the March 6, 2014 filing deadline and noted that it was targeting March 13, 2014. On March 6, 2014 the Board issued a letter granting an extension to March 13, 2014 for the filing of the settlement proposal. On March 13, 2014, NOTL Hydro filed a letter indicating that the settlement proposal was not yet finalized and that NOTL Hydro would submit as soon as possible.

NOTL Hydro filed the settlement proposal on March 22, 2014. The parties have settled on all issues with the exception of one. Parties indicated that they were unable to agree whether balances recorded in Account 1535 – Smart Grid OM&A Deferral Account were eligible for recovery. Parties agreed that an interpretation of the eligibility requirement by the Board was required to resolve this matter. NOTL Hydro provided its written submission in Appendix 1 of the settlement proposal. Intervenor agreed to file their written submissions within 7 days of the filing of the settlement proposal should the Board approve the issue to be heard by means of a written hearing.

The Board has decided that the unsettled issue shall be heard by way of a written hearing. The Board would be assisted if any submissions on the unsettled matter were filed by March 27, 2014 and any reply by NOTL Hydro by March 31, 2014. The Board notes that there have been several delays in the filing of the settlement proposal. In light of that fact, the Board may issue a subsequent Procedural Order requiring that parties appear before the Board to hear the unsettled issue, should any party be unable to provide a written submission in the timeframe requested.

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

#### THE BOARD ORDERS THAT:

1. Any intervenors wishing to make a submission on the unsettled issue shall do so by **March 27, 2014**. Any submission should be filed with the Board and delivered to NOTL Hydro.
2. Board staff wishing to make a submission on the settlement proposal and the unsettled issue shall do so by **March 27, 2014**. Any submission should be filed with the Board and delivered to NOTL Hydro and intervenors.
3. NOTL Hydro may file a written reply submission with the Board, and deliver it to intervenors by **March 31, 2014**. Any submission should be filed with the Board and delivered to intervenors.

All filings to the Board must quote the file number, EB-2013-0155 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, Stephen Vetsis at [Stephen.Vetsis@ontarioenergyboard.ca](mailto:Stephen.Vetsis@ontarioenergyboard.ca) and Board counsel, Ljuba Djurdjevic at [Ljuba.Djurdjevic@ontarioenergyboard.ca](mailto:Ljuba.Djurdjevic@ontarioenergyboard.ca).

## **ADDRESS**

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**DATED** at Toronto, March 25, 2014

## **ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary