



EB-2014-0156

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

AND IN THE MATTER OF an appeal under section 7 of the *Ontario Energy Board Act, 1998* of an order of the Ontario Energy Board in EB-2013-0125, regarding an application by EnWin Utilities Ltd. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2014.

**NOTICE OF WRITTEN HEARING AND
PROCEDURAL ORDER NO. 1
May 28, 2014**

On March 13, 2014, in Board proceeding EB-2013-0125, the Board issued a Decision and Rate Order (the "Order") approving the rates and other charges that EnWin Utilities Ltd. ("EnWin") charges for electricity distribution, to be effective May 1, 2014 (the "Application"). The Order was made by an employee of the Board with delegated authority, pursuant to section 6(1) of the *Ontario Energy Board Act, 1998*.

On March 28, 2014, EnWin filed Notice of Appeal of the Order, pursuant to section 7 of the *Ontario Energy Board Act, 1998*. On appeal, EnWin seeks an order of the Board to set aside the part of the Order in which the Board did not provide for the disposition of EnWin's Group 1 deferral and variance account balances and approve the disposition of those balances in accordance with the Application.

The Notice of Appeal summarizes the grounds of appeal as follows:

In the [Order], the Board erred in its application of the *Report of the Board on Electricity Distributors' Deferral and Variance Account Review Initiative* dated July 31, 2009 ("EDDVAR" or the "EDDVAR Report") by (a) basing its decision on the cash flow

impacts on EnWin when cash flow was never at issue in the proceeding, as no evidence was led or submissions made in that regard, (b) disregarding concerns with respect to inter-generational inequities, and (c) disregarding concerns with respect to the impacts of accumulating large balances in EnWin's Group 1 deferral and variance accounts.

The Board further erred in its [Order] by not taking into account the public interest, including in particular the public interest objectives of the Board under the *Ontario Energy Board Act*, the public interest objectives of the Board under the *Renewed Regulatory Framework for Electricity* ("RRFE"), the purpose underlying EnWin's request for disposition of its Group 1 accounts and the benefit to ratepayers that would be lost by refusing EnWin's request to clear these accounts.

EnWin has requested a written hearing and the Board has determined that it will hear the appeal in writing. The Board has assigned file number EB-2014-0156 to the appeal. The parties to the appeal are EnWin, the employee of the Board who made the Order and the employees of the Board that filed a submission in the prior proceeding.

The Board considers it necessary to make provision for the following additional matters related to the appeal.

THE BOARD ORDERS THAT:

1. EnWin is to immediately serve a copy of the Notice of Appeal on the other parties.
2. EnWin shall file any additional material in support of the appeal with the Board, and serve it on the other parties by **June 3, 2014**.
3. The other parties may file a written submission in response to the appeal with the Board and serve it on EnWin on or before **June 12, 2014**.
4. EnWin may file a written reply submission with the Board and serve it on the other parties by **June 23, 2014**.

All filings to the Board must quote the file number, EB-2014-0156, 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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Stephen Vetsis at Stephen.Vetsis@ontarioenergyboard.ca and Board Counsel, Richard Lanni at Richard.Lanni@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, May 28, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary