



**EB-2014-0083**

**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  
Brampton Networks Inc. for an order approving just and  
reasonable rates and other charges for electricity distribution  
to be effective January 1, 2015.

**PROCEDURAL ORDER NO. 1**  
**July 10, 2014**

Hydro One Brampton Networks Inc. ("Hydro One Brampton") filed a complete cost of service application with the Ontario Energy Board (the "Board") on April 23, 2014 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 Hydro One Brampton charges for electricity distribution, to be effective January 1, 2014. The Board has assigned the application file number EB-2014-0083.

A Notice of Application and Hearing was issued on May 15, 2014. The letter of direction issued by the Board directed Hydro One Brampton to publish the notice by May 29, 2014. On May 16, Hydro One Brampton filed a letter with the Board requesting that the date set out by the Board for publication of the notice be extended until June 16, 2014. On May 28, 2014, the Board approved the request. On June 17, 2014, Hydro One Brampton informed the Board that it would publish the notice on June 18, 2014.

The Building Owners and Managers Association of Greater Toronto ("BOMA"), Energy Probe Research Foundation ("Energy Probe"), School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objection was received from Hydro One Brampton.

The Board approves BOMA, Energy Probe, SEC and VECC as intervenors. The list of parties in this proceeding is attached as Appendix A to this Procedural Order. The Board has also determined that BOMA, Energy Probe, SEC and VECC are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

Cost eligible intervenors should be aware that the Board will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

### Confidentiality

Hydro One Brampton filed a redacted application and an unredacted version in confidence. Hydro One Brampton submitted that the redacted information constitutes either personal information, as defined in the *Freedom of Information and the Protection of Privacy Act* ("FIPPA") or confidential benchmarking data owned by a 3<sup>rd</sup> party.

The proposed confidential material consists of:

1. Names and contract numbers of apprentices who were the subject of apprenticeship tax credit claims at Part 21, Column 601 in Hydro One Brampton's 2011 Corporate Tax Returns<sup>1</sup>; and
2. References to a 3<sup>rd</sup> Party benchmarking report contained within Hydro One Brampton's Business Plan, Financial Summary and Staffing Request ("the Business Plan")<sup>2</sup>

### Personal Information – Corporate Tax Returns

The Board has reviewed the redactions and finds that the apprentice names and contract numbers as contained column 601, Part 21 of the Corporate Tax Returns will be held in confidence in this case.

### 3<sup>rd</sup> Party Benchmarking Data

The Board notes that the references contained in the Business Plan are to the Utility Performance Management ("UPM") 2013 survey prepared by MEARIE. This document

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<sup>1</sup> EB-2014-0083, Exhibit 4, Appendix 1,

<sup>2</sup> EB-2014-0083, Exhibit 2, Tab 6, Appendix B

was the subject of the Board's EB-2013-0115/EB-2013-0159/EB-2013-0174 combined Decision and Order on Confidentiality, dated May 29, 2014. In that proceeding, the Board was not convinced that public disclosure of the report could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, or be injurious to the financial interest of MEARIE. In accordance with the Board's Order, the document was placed on the public record in each of the three proceedings on June 30, 2014. The Board finds no distinguishing circumstances in this case that would prompt a different result. The Board finds that confidential treatment of the references to the UPM survey in the Business Plan is not warranted.

### **Issues List**

The Board will establish the process by which an issues list will be determined subsequent to the filing of interrogatory responses. It is the Board's expectation that parties will be best positioned to identify issues relevant to Hydro One Brampton's application at that stage of the hearing process. The final issues list will be approved by the Board prior to the settlement conference.

### **Interrogatories**

At this time, provision will be made for written interrogatories. The Board will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor's plans for the subsequent four years until the next scheduled rebasing application.

Parties are encouraged to examine the value presented by the proposed investments as opposed to focussing only on the costs. Parties should also consider the extent to which the applicant's plans reflect its stated objectives, and how the plans contribute to positive outcomes for customers, in particular those outcomes that arise from the asset management decisions reflected in the applicant's distribution system plan. The Board will review the entire five year distribution system plan to assess the planning and pacing proposals of the applicant and whether the test year requests are appropriately aligned with the distribution system plan. Productivity and benchmarking results will also be considered in assessing cost forecasts, bill impacts and distributor performance.

Parties are reminded not to engage in detailed exploration of items that do not appear to be material, taking into account the materiality thresholds documented in Chapter 2 of the Filing Requirements. In making its decision on cost awards, the Board will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Finally, parties are reminded to consult sections 26 and 27 of the Board's Rules of Practice and Procedure (as revised April 24, 2014) regarding required naming and numbering conventions and other matters related to interrogatories.

The Board considers it necessary to make provision for the following matters related to this proceeding.

**IT IS THEREFORE ORDERED THAT:**

1. Hydro One Brampton shall file on the public record the information found in this procedural order to be non-confidential in unredacted form by **July 14, 2014**.
2. Board staff shall request any relevant information and documentation from Hydro One Brampton that is in addition to the evidence already filed, by written interrogatories filed with the Board and served on all parties on or before **July 22, 2014**.
3. Intervenors shall request any relevant information and documentation from Hydro One Brampton that is in addition to the evidence already filed, by written interrogatories filed with the Board and served on all parties on or before **July 24 2014**.
4. Hydro One Brampton shall file with the Board complete written responses to all interrogatories and serve them on all Intervenors and Board staff on or before **August 13, 2014**.
5. Following its review of the applicant's responses to interrogatories, the Board will determine if a technical conference is required. If required, a transcribed Technical Conference will be held **September 3, 2014** starting at 9:30 in the Board's Offices at 2300 Yonge Street, 25th floor, Toronto, Ontario to clarify any matters arising from the interrogatories only. If required, the Technical

Conference will continue on **September 4, 2014**. Parties intending to participate are to provide Hydro One Brampton with written questions by **August 27, 2014**;

6. Following its review of the applicant's responses to interrogatories the Board will make a determination regarding the process by which an issues list will be defined, whether by submissions or by way of an issues day.
7. A Settlement Conference among the parties and Board staff will be convened on **September 15, 2014** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **September 16, 2014**.
8. Any settlement proposal arising from the Settlement Conference shall be filed with the Board on or before **October 6, 2014**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
9. If there is no settlement proposal arising from the Settlement Conference, Hydro One Brampton shall file a statement to that effect with the Board by **September 17, 2014**. In that event, parties shall file and serve on the other parties by **September 22, 2014** any submissions on which issues shall be heard in writing, and for which issues the Board should hold an oral hearing.
10. A submission from Board staff on any settlement proposal shall be filed with the Board and served on all parties within 7 days from when a settlement proposal is filed.

All filings to the Board must quote the file number, EB-2014-0083, 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, Martha McOuat at [martha.mcouat@ontarioenergyboard.ca](mailto:martha.mcouat@ontarioenergyboard.ca) and Board Counsel, Jennifer Lea at [jennifer.lea@ontarioenergyboard.ca](mailto:jennifer.lea@ontarioenergyboard.ca).

### **ADDRESS**

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**DATED** at Toronto, July 10, 2014

### **ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**APPENDIX "A"**

**Hydro One Brampton Networks Inc**

**Board File No. EB-2014-0083**

**APPLICANT & LIST OF INTERVENORS**

**Dated: July 10, 2014**

**Hydro One Brampton Networks Inc.  
EB-2014-0083**

**APPLICANT & LIST OF INTERVENORS**

July 10, 2014

**APPLICANT**

**Rep. and Address for Service**

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Networks Inc.**

**Scott Miller**

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**INTERVENORS**

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**APPLICANT & LIST OF INTERVENORS**

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Hydro One Brampton Networks Inc.

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**APPLICANT & LIST OF INTERVENORS**

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July 10, 2014

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