



**EB-2014-0073**

**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 Festival Hydro 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 15, 2014**

Festival Hydro Inc. (“Festival Hydro”) filed a complete cost of service application with the Ontario Energy Board (the “Board”) on May 30, 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 Festival Hydro charges for electricity distribution, to be effective January 1, 2015. The Board has assigned the application file number EB-2014-0073.

A Notice of Application and Hearing (“Notice”) was issued on June 16, 2014. Each of Energy Probe Research Foundation (“Energy Probe”), the Vulnerable Energy Consumers Coalition (“VECC”) and the Association of Major Power Consumers in Ontario (“AMPCO”) applied for intervenor status and cost eligibility. No objection was received from Festival Hydro.

I approve Energy Probe, VECC and AMPCO as intervenors. The list of parties in this proceeding is attached as Appendix A to this Procedural Order. I have also determined that Energy Probe, VECC and AMPCO 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.

### **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 Festival Hydro's application at that stage of the hearing process. The final issues list will be approved by the Board prior to the settlement conference and hearing, if required, to facilitate an efficient hearing process.

### **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 assess the fit between the applicant's plans and its stated objectives, and consider 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 consider 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. The materiality thresholds documented in Chapter 2 of the Filing Requirements should be used to guide the parties. 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.

I consider it necessary to make provision for the following matters related to this proceeding.

**IT IS THEREFORE ORDERED THAT:**

1. Board staff shall request any relevant information and documentation from Festival Hydro that is in addition to the evidence already filed, by written interrogatories filed with the Board and served on all parties on or before **August 6, 2014**.
2. Intervenors shall request any relevant information and documentation from Festival Hydro that is in addition to the evidence already filed, by written interrogatories filed with the Board and served on all parties on or before **August 8, 2014**.
3. Festival Hydro shall file with the Board complete written responses to all interrogatories and serve them on all intervenors and Board staff on or before **August 27, 2014**.
4. Following its review of the Festival Hydro's responses to interrogatories, the Board will determine if a technical conference is required. If required, a transcribed Technical Conference will be held **September 11, 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 12, 2014**. Parties intending to participate are to provide Festival Hydro with written questions by **September 9, 2014**.
5. Following its review of the Festival Hydro's responses to interrogatories the Board will make a determination regarding the process by which an issues list will be defined, whether by written submissions or by way of an issues day.

6. A Settlement Conference among the parties and Board staff will be convened on **September 29, 2014** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **September 30, 2014**.
7. Any settlement proposal arising from the Settlement Conference shall be filed with the Board on or before **October 21, 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.
8. Any submission from Board staff on a settlement proposal shall be filed with the Board and served on all parties within 7 days from when a settlement proposal is filed.
9. If there is no settlement proposal arising from the Settlement Conference, Festival Hydro shall file a statement to that effect with the Board by **October 1, 2014**. In that event, parties shall file and serve on the other parties by **October 2, 2014** any submissions on which issues shall be heard in writing, and for which issues the Board should hold an oral hearing.

All filings to the Board must quote the file number, EB-2014-0073, 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, Birgit Armstrong at [birgit.armstrong@ontarioenergyboard.ca](mailto:birgit.armstrong@ontarioenergyboard.ca) and Board Counsel, Ljuba Djurjevic at [ljuba.djurjevic@ontarioenergyboard.ca](mailto:ljuba.djurjevic@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](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, **July 15, 2014**

**ONTARIO ENERGY BOARD**

**By delegation, before: Kristi Sebalj**

*Original signed by*

Kristi Sebalj  
Registrar

**APPENDIX A – LIST OF INTERVENORS**

**FESTIVAL HYDRO INC.**

**PROCEDURAL ORDER NO. 1**

**DATED: JULY 15, 2014**

**Festival Hydro Inc.  
EB-2014-0073**

**APPLICANT & LIST OF INTERVENORS**

July 15, 2014

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**APPLICANT**

**Rep. and Address for Service**

**Festival Hydro Inc.**

**Debbie Reece**

Chief Financial Officer  
Festival Hydro Inc.  
187 Erie Street  
P.O.Box 397  
Stratford, ON N5A 6T5

Tel: 519-271-4703  
Fax: 519-271-7204  
[dreece@festivalhydro.com](mailto:dreece@festivalhydro.com)

**INTERVENORS**

**Rep. and Address for Service**

**Association of Major Power  
Consumers in Ontario  
(AMPCO)**

**Shelley Grice**

Consultant  
Econalysis Consulting Services  
34 King Street East Suite 630  
Toronto ON M5C 2X8  
Tel: 647-880-9942  
Fax: 416-348-0641  
[shelley.grice@rogers.com](mailto:shelley.grice@rogers.com)

**Energy Probe Research  
Foundation**

**Randy Aiken**

Aiken & Associates  
578 McNaughton Ave. W.  
Chatham ON N7L 4J6  
Tel: 519-351-8624  
Fax: 519-351-4331  
[randy.aiken@sympatico.ca](mailto:randy.aiken@sympatico.ca)

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**APPLICANT & LIST OF INTERVENORS**

July 15, 2014

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**Energy Probe Research  
Foundation**

**David MacIntosh**

Case Manager  
Energy Probe Research Foundation  
225 Brunswick Avenue  
Toronto ON M5S 2M6  
Tel: 416-964-9223 Ext: 235  
Fax: 416-964-8239  
[DavidMacIntosh@nextcity.com](mailto:DavidMacIntosh@nextcity.com)

**Vulnerable Energy  
Consumers Coalition**

**Michael Janigan**

Special Counsel  
Public Interest Advocacy Centre  
ONE Nicholas Street  
Suite 1204  
Ottawa ON K1N 7B7  
Tel: 613-562-4002 Ext: 26  
Fax: 613-562-0007  
[mjanigan@piac.ca](mailto:mjanigan@piac.ca)

**Mark Garner**

Consultant  
Econalysis Consulting Services  
34 King Street East  
Suite 630  
Toronto ON M5C 2X8  
Tel: 7-408-4501  
Fax: 416-348-0641  
[mgarner@econalysis.ca](mailto:mgarner@econalysis.ca)



**Festival Hydro Inc.  
EB-2014-0073**

**APPLICANT & LIST OF INTERVENORS**

July 15, 2014

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**Vulnerable Energy  
Consumers Coalition**

**Bill Harper**

Econalysis Consulting Services  
34 King Street East  
Suite 630  
Toronto On M5C 2X8  
Tel: 416-348 0193  
Fax: Not Provided  
[bharper@econalysis.ca](mailto:bharper@econalysis.ca)