



EB-2014-0002

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 Horizon Utilities Corporation for an order approving just and reasonable rates and other charges for electricity distribution to be effective January 1, 2015 and for each following year through to December 31, 2019.

PROCEDURAL ORDER NO. 3

August 8, 2014

Horizon Utilities Corporation (“Horizon” or the “Applicant”) filed a Custom Incentive Rate (“CIR”) application (the “Application”) with the Ontario Energy Board (the “Board”) on April 17, 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 Horizon charges for electricity distribution, to be effective January 1, 2015 and each year thereafter until December 31, 2019. The Board has assigned the application file number EB-2014-0002.

On June 9, 2014 the Board issued Procedural Order No. 1 in which it approved intervenors, made provision for various steps in this proceeding including the filing of interrogatories and interrogatory responses and made findings on issues of confidentiality with respect to documents filed in the application for which Horizon sought confidential treatment.

On August 1, 2014, Horizon filed its interrogatory responses. By way of letter dated August 5, 2014 Horizon filed another letter regarding certain interrogatories in respect of which Horizon proposed to file responses in confidence, some of which were filed confidentially in their entirety, while redacted versions of other material was placed on

the public record. In its letter, Horizon indicated the reasons for the confidentiality request, including the reasons why the information at issue is considered confidential and the reasons why public disclosure of that information would be detrimental. Horizon also filed unredacted versions with the Board in accordance with the Board's Practice Direction on Confidential Filings (the "Practice Direction").

Horizon's requests for confidentiality relate to the following interrogatories:

Board Staff: Question 2-Staff-21 and Question 4-Staff-26(f)

AMPCO: Questions 4-AMPCO-16(b) and 4-AMPCO-21

CCC: Questions CCC.1, CCC.2 and CCC.8

Energy Probe: Questions 4-Energy Probe-29(b) and 4-Energy Probe-43

SEC: Questions 2-SEC-18, 4-SEC-23 and 4-SEC-36

VECC: Question 4.2-VECC-41

As set out in the Practice Direction, it is the Board's general policy that all evidence should be on the public record unless disclosure is prohibited. This reflects the Board's view that its proceedings should be open, transparent and accessible. The Practice Direction seeks to balance these objectives with the need to protect information properly designated as confidential.

The Board will allow any counsel or consultant for intervenors that wish to review the confidential documents to do after signing a copy of the Board's Declaration and Undertaking with respect to confidential documents, and filing it with the Board and serving it on Horizon. Horizon has informed the Board that it does not object to providing the confidential document, with the exception of material identified as personal or irrelevant, directly to the requesting party subject to the parties filing with the Board and serving on Horizon an executed Declaration and Undertaking.

Board staff and Intervenors who object to Horizon's request for confidential treatment shall file their submissions by August 12, 2014. Horizon shall file any reply submission by August 15, 2014. If the Board ultimately decides that a document should not be afforded confidential treatment, it will be placed on the public record unless, within a period of five business days, and in accordance with section 5.1.12 of the Practice Direction, Horizon requests that the information be withdrawn.

The Board therefore finds it necessary to make provision for the following additional procedural steps. The steps set out in Procedural Order No. 2 remain in effect.

THE BOARD ORDERS THAT:

1. Board staff and intervenors wishing to make submissions on the confidentiality requests made by Horizon shall file such submissions with the Board and deliver them to Horizon and all other parties on or before August 12, 2014.
2. If Horizon wishes to respond to any submissions on the confidentiality status requests, it shall file such submissions with the Board and deliver them to the relevant intervenor and all other parties on or before August 15, 2014.

All filings to the Board must quote the file number, EB-2014-0002, and are to 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, Christie Clark at Christie.Clark@ontarioenergyboard.ca and Board Counsel, Maureen Helt at Maureen.Helt@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, August 8, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary