



**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. 6**  
**September 5, 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 set out a schedule for interrogatories, a technical conference and an Issues Day. On July 31, 2014 the Board issued Procedural Order No. 2 modifying the schedule to allow for filing any intervenor evidence, interrogatories on the intervenors’ evidence, and responses to the interrogatories.

On August 22, 2014 Horizon filed a Notice of Motion with respect to the City of Hamilton’s (“City”) refusal to provide responses to interrogatories on evidence prepared

by its expert, WattsWorth Analysis Inc. (“WattsWorth”). On September 3, 2014, the Board issued Procedural Order No. 5 setting dates for submissions on the Motion.

On September 4, 2015 the City filed a Notice of Motion (the “City’s Motion”) requesting the following three grounds of relief:

- i. An order freezing the rates of Horizon Utilities Corporation (“Horizon”) for the street lighting class at the 2014 levels for a period to be determined by the Board; and
- ii. In the alternative, an order requiring that the rates for the street lighting class as they may be determined in EB-2014-0002, be interim, and be re-considered and, if appropriate, re-set following the outcome of the Board’s considerations in EB-2012-0383; and
- iii. An order granting leave to withdraw the evidence of WattsWorth.

On September 5, 2015 the City filed a letter with the Board stating that it had the consent of Horizon and Board staff to withdraw the WattsWorth evidence and reiterated its request that the Board withdraw the evidence as it is no longer relevant or probative.

The Board finds it necessary to make provision for the following additional procedural steps.

**THE BOARD ORDERS THAT:**

1. The City’s request to withdraw the WattsWorth evidence from the record is granted;
2. The dates set out in Procedural Order No. 5 for submissions on the City’s refusal to answer interrogatories on the WattsWorth evidence are hereby set aside.
3. The matters set out in the City’s Motion filed September 4<sup>th</sup>, 2014 at paragraphs (i) and (ii) will be heard on the first day of the oral hearing set to commence on September 22, 2014. Parties and Board staff are expected to be prepared to make submissions on the City’s Motion at that time.

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](mailto:Christie.Clark@ontarioenergyboard.ca) and Board Counsel, Maureen Helt at [Maureen.Helt@ontarioenergyboard.ca](mailto:Maureen.Helt@ontarioenergyboard.ca).

### **ADDRESS**

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**DATED** at Toronto, September 5, 2014

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary