



EB-2014-0116

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 Toronto Hydro-Electric System Limited for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2015 and for each following year effective January 1 through to December 31, 2019.

PROCEDURAL ORDER NO. 1

September 17, 2014

Toronto Hydro-Electric System Limited ("THESL" or the "Applicant") filed a Custom Incentive Rate ("CIR") application (the "Application") with the Ontario Energy Board (the "Board") on July 31, 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 THESL charges for electricity distribution, to be effective May 1, 2015 and each year thereafter January 1 until December 31, 2019. The Board has assigned the application file number EB-2014-0116.

Intervenors

The Board issued a revised Notice of Application and Hearing on August 29, 2014. The following parties applied for intervenor status and cost eligibility:

Association of Major Power Consumers of Ontario ("AMPCO");
Building Owners and Managers Association, Greater Toronto ("BOMA");
Canadian Union of Public Employees, Local One ("CUPE One");
Energy Probe ("EP");
Ontario Power Generation Inc. ("OPG");
School Energy Coalition ("SEC");
Society of Energy Professionals ("SEP");
Sustainable Infrastructure Alliance of Ontario ("SIA"); and
Vulnerable Energy Consumers Coalition ("VECC")

I approve all applications for intervenor status. The list of parties in this proceeding is attached as Appendix "A" to this Procedural Order. I have also determined that AMPCO, BOMA, EP, SEC, SIA, and VECC are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards* ("Cost Direction"). OPG and SEP did not apply for cost awards. I have determined that CUPE One is not eligible for an award of costs as it does not meet the criteria outlined in the Board's Practice Direction.

Confidentiality

THESL filed a redacted Application and an un-redacted version in confidence. THESL requested that the un-redacted information in the areas listed below be maintained in confidence pursuant to Rule 10.01 of the Board's *Rules of Practice and Procedure*:

- Forecast Proceeds from Sale of Properties;
- Cost Difference between Internal and External Construction of Projects;
- Personal Information; and
- Business Numbers.

THESL provided the reasons why it requested confidential treatment and the reasons why public disclosure of the information would be detrimental to THESL. I direct THESL to provide confidential versions of the evidence to counsel and consultants for intervenors who have signed the Declaration and Undertaking form from the Board's *Practice Direction on Confidential Filings*. I will make provision for submissions on the request for confidentiality. The documents will be considered confidential until the Board renders a decision on this matter.

Interrogatories

At this time, provision will be made for written interrogatories.

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 five year distribution system plan to assess the planning and pacing proposals of the applicant and whether the 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.

Further Procedural Steps

Procedural Order No. 1 covers steps in this proceeding up to the holding of a Technical Conference. The Board will establish further procedural steps including an issues determination process and will issue further procedural direction in due course. The Board may also decide to modify some of the procedural steps outlined in the present Procedural Order.

However, in order to provide parties with a sense of the potential timing of future steps in this proceeding, I have attached as Appendix B to this procedural order a table of indicative dates. The Board will make determinations on these steps and, as such, parties should view these dates as approximate indicators only that are subject to change.

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

IT IS THEREFORE ORDERED THAT:

1. Board staff and parties wishing to make submissions on the request for confidential treatment by THESL for certain portions of its evidence shall file such submissions with the Board and deliver them to THESL and all other parties on or before **September 29, 2014**.
2. If THESL wishes to respond to any submissions on its request for confidential treatment for certain portions of its evidence, it shall file any such response with the Board and deliver it to all other parties on or before **October 3, 2014**.

3. Intervenor and Board staff shall request any relevant information and documentation from THESL that is in addition to the evidence already filed by written interrogatories filed with the Board and served on all parties on or before **October 15, 2014**.
4. THESL shall file with the Board complete written responses to all interrogatories and serve them on all intervenors and Board staff on or before **November 5, 2014**.
5. A transcribed Technical Conference will be held **November 17, 2014** starting at 9:30 am 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 **November 18, 2014**. Parties participating in the Technical Conference are requested to file with the Board and copy THESL and all other parties by **November 12, 2014** confirmation of the particular areas of the evidence they seek to address or seek clarification of at the Technical Conference.
6. THESL shall respond to any undertakings given at the Technical Conference which shall be filed with the Board and copied to all parties by **November 24, 2014**.

All filings to the Board must quote the file number, EB-2014-0116, and 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, Martin Davies at Martin.Davies@ontarioenergyboard.ca and Board Counsel, Maureen Helt at Maureen.Helt@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
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DATED at Toronto, September 17, 2014

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

APPENDIX A

APPLICANT AND LIST OF INTERVENORS

EB-2014-0116

TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

DATED: SEPTEMBER 17, 2014

**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

APPLICANT

Rep. and Address for Service

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System Limited**

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**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

INTERVENORS

Rep. and Address for Service

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Consumers in Ontario
(AMPCO)**

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**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

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Toronto**

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**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

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**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

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**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

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**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

September 17, 2014

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APPENDIX B

TABLE OF INDICATIVE DATES

EB-2014-0116

TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

DATED: SEPTEMBER 17, 2014

Table of Indicative Dates

Event	Indicative Date(s)
Issues Determination Process	November 19, 2014 - December 5, 2014
Filing of Board Staff and Intervenor Evidence	December 8, 2014
Filing of Interrogatories on Board Staff and Intervenor Evidence	December 22, 2014
Filing of Responses to Interrogatories on Board Staff and Intervenor Evidence	January 16, 2015
Commencement of Settlement Conference	January 21, 2015
Commencement of Oral Hearing	February 9, 2015