



EB-2014-0096

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 Niagara
Peninsula Energy Inc. for an order approving just and
reasonable rates and other charges for electricity distribution
to be effective May 1, 2015

PROCEDURAL ORDER NO. 1

November 18, 2014

Niagara Peninsula Energy Inc. (“NPEI”) filed a complete cost of service application with the Ontario Energy Board (the “Board”) on September 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 NPEI charges for electricity distribution, to be effective January 1, 2015. The Board has assigned the application file number EB-2014-0096.

A Notice of Application and Hearing (“Notice”) was issued on October 22, 2014. Each of Energy Probe Research Foundation (“Energy Probe”), the Vulnerable Energy Consumers Coalition (“VECC”) and School Energy Coalition (“SEC”) applied for intervenor status and cost eligibility.

I approve Energy Probe, VECC and SEC 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 SEC 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

It is the Board's expectation that parties will be best positioned to identify issues relevant to NPEI's application after the applicant has responded to interrogatories, and following a technical conference, should it be required. NPEI, Board staff, and the intervenors shall develop and Board staff shall file a proposed issues list for the Board's consideration. The Board will approve an issues list 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 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 NPEI that is in addition to the evidence already filed, by written interrogatories filed with the Board and served on all parties on or before **November 28, 2014**.
2. Intervenors shall request any relevant information and documentation from NPEI that is in addition to the evidence already filed, by written interrogatories filed with the Board and served on all parties on or before **December 2, 2014**.
3. NPEI shall file with the Board complete written responses to all interrogatories and serve them on all intervenors and Board staff on or before **December 23, 2014**.
4. Following its review of NPEI's responses to interrogatories, the Board will determine if a technical conference is required. If required, a transcribed Technical Conference will be held **January 20, 2015** 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 **January 21, 2015**. Parties intending to participate are to notify NPEI, and copy all parties, of the topic areas for questioning by **January 16, 2015**.
5. Board staff shall file a proposed issues list, or, alternatively, shall advise the Board in writing that the parties and Board staff have been unable to reach an agreement on a draft issues list by **January 23, 2015**.
6. A Settlement Conference among the parties and Board staff will be convened on **February 2, 2015** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **February 3, 2015**.

7. Any settlement proposal arising from the Settlement Conference shall be filed with the Board on or before **February 17, 2015**. 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, NPEI shall file a statement to that effect with the Board by **February 4, 2015**. In that event, parties shall file and serve on the other parties by **February 9, 2015** 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-2014-0096, be made in searchable / unrestricted PDF format electronically through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. 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

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **November 18, 2014**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

APPENDIX A

Niagara Peninsula Energy Inc.

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List of Applicant and Parties

November 18, 2014