



EB-2014-0055

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 Algoma Power Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective January 1, 2015.

PROCEDURAL ORDER NO. 4

November 18, 2014

Algoma Power Inc. (“Algoma Power”) filed a complete cost of service application (the “Application”) with the Ontario Energy Board (the “Board”) on May 12, 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 Algoma Power charges for electricity distribution, to be effective January 1, 2015. The Board assigned the Application file number EB-2014-0055.

The Board approved the Vulnerable Energy Consumers Coalition (“VECC”), Energy Probe Research Foundation (“Energy Probe”) and the Algoma Coalition as intervenors on July 10, 2014. The Algoma Coalition’s notice of intervention listed Mr. Cassan as their primary contact and Mr. Wray and Mr. Reid as additional contacts.

Algoma Power and intervenors reached a partial settlement agreement and Algoma filed a partial settlement proposal on October 10, 2014.

The Board held an oral hearing on October 20, 2014 to hear the unsettled issues. Mr. Harmar and Mr. Reid attended the hearing as representatives of the Algoma Coalition.

At the conclusion of the hearing, the Board Panel provided a procedural order which established the following schedule¹ for submissions of arguments:

- The Applicant to file its Argument-in-Chief by October 27, 2014;
- Board staff and intervenors to file their submissions by November 3, 2014; and
- The Applicant to file its Reply submission by November 10, 2014.

In accordance with the Board's Order, Algoma Power filed its Argument-in-Chief on October 24, 2014, followed by submissions from Board staff, Energy Probe and VECC on November 3, 2014. The Applicant filed its Reply submission on November 10, 2014.

The Algoma Coalition filed its submission on November 11, 2014, eight days after the deadline set out in the Board's Order and after the Applicant's Reply was filed. It provided no explanation for its lateness nor did it seek the Board's leave to file its submission after the deadline.

Algoma Power filed a letter on November 11, 2014, requesting that the Board either allow Algoma Power the opportunity to file further reply submissions, or reject the Algoma Coalition's submission.

On November 12, 2014, the Board requested Algoma Coalition to provide reasons for the late filing of its submission for the Board's further consideration.

In its reply letter dated November 13, 2014, the Algoma Coalition explained that neither Mr. Harmar nor Mr. Reid were provided with an order outlining the specific schedule for submission of final argument. It also reported that while Mr. Cassan may have received correspondence, Mr. Harmar was not copied on any correspondence either from the Board, Algoma Power or the other intervenors.

The Board is of the view that, irrespective of the fact that it is apparent that the schedule for submissions was not known by Mr. Harmar, the Algoma Coalition had adequate notice of the schedule for submissions.

The Board notes, as indicated above, that Mr. Cassan was the Algoma Coalition's primary contact; that Mr. Harmar and Mr. Reid attended the hearing as representatives of the Algoma Coalition and that the Board Panel directed that the transcript of the

¹ Oral Hearing transcript page 133, lines 1-10

hearing would act as the procedural order with respect to the schedule for submissions. The Board's records show that Mr. Cassan, Mr. Wray and Mr. Reid were issued Board-initiated correspondence. In the Board's view, Algoma Coalition could have remedied the administrative shortcomings that it considers to have resulted in it being disadvantaged by either establishing better communication protocols with Mr. Cassan or simply requesting the Board to modify its contact list to include Mr. Harmar.

Notwithstanding the Board's observations on the reasons for the delayed filing of Algoma Coalition's submission, the Board considers it important that Algoma Power's rate payers be afforded the opportunity to provide its views on the unsettled issues. The Board will accept Algoma Coalition's submission on the record of the proceeding and provide for any supplemental reply argument that Algoma Power wishes to submit.

THE BOARD ORDERS THAT:

1. Algoma Power may file with the Board a supplementary written reply argument, addressing the issues raised in Algoma Coalition's submission and deliver it to intervenor(s) by November 25, 2014.

All filings to the Board must quote the file number, EB-2014-0055, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. 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

suresh.advani@ontarioenergyboard.ca and Board Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@ontarioenergyboard.ca.

ADDRESS

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

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary