



EB-2014-0344

**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 Grimsby Power Inc. and Niagara West Transformation Corporation under section 86(1)(c) of the *Ontario Energy Board Act*, 1998 for leave to amalgamate and continue as Grimsby Power Inc.;

**AND IN THE MATTER OF** an application by Grimsby Power Inc. and Niagara West Transformation Corporation under section 84 of the *Ontario Energy Board Act*, 1998 for a determination that the Niagara West Transformation Corporation transmission system which will become part of the amalgamated distributor, is deemed to be a distribution system;

**AND IN THE MATTER OF** an application by Grimsby Power Inc. and Niagara West Transformation Corporation under section 78 of the *Ontario Energy Board Act*, 1998 seeking approval for Grimsby Power Inc. to charge Niagara Peninsula Energy Inc., an electricity distributor that will be embedded within the amalgamated distributor, the Board-approved Niagara West Transformation Corporation's transmission rate as a distribution rate from the completion of the proposed transaction until the amalgamated distributor's next rebasing;

**AND IN THE MATTER OF** an application by Grimsby Power Inc. and Niagara West Transformation Corporation under section 78 of the *Ontario Energy Board Act*, 1998 seeking approval for the amalgamated distributor to charge its customers other than Niagara Peninsula Energy Inc. a retail transmission rate that includes the incremental contribution of the Niagara West Transformation transformer station assets as if they were part of the revenue requirement until the amalgamated distributor's next rebasing;

**AND IN THE MATTER OF** an application by Grimsby Power Inc. and Niagara West Transformation Corporation under section 77(5) of the *Ontario Energy Board Act*, 1998 for cancellation of Niagara West Transformation Corporation's transmission licence, upon completion of the proposed transaction.

**PROCEDURAL ORDER NO. 1****January 7, 2015**

Grimsby Power Inc. ("GPI") and Niagara West Transformation Corporation ("NWTC") filed related applications with the Ontario Energy Board (the "Board") on November 6, 2014 seeking the following:

1. Leave to amalgamate and continue as GPI under section 86(1)(c) of the *Ontario Energy Board Act, 1998* (the "Act").
2. A determination that the NWTC transmission system which will become part of GPI, is deemed to be a distribution system under section 84 of the Act.
3. Approval for the amalgamated distributor to charge Niagara Peninsula Energy Inc. ("NPEI"), an electricity distributor that will be embedded within the amalgamated distributor, the Board-approved NWTC's transmission rate as a distribution rate from the completion of the proposed transaction until GPI's next rebasing under section 78 of the Act.
4. Approval for GPI to charge its customers, other than NPEI, a retail transmission rate that includes the incremental contribution of the NWTC transformer station assets as if they were part of the revenue requirement until GPI's next rebasing.
5. Cancellation of NWTC's transmission licence, upon completion of the proposed transaction under section 77(5) of the Act.

The Board issued its Notice of Applications and Hearing (the "Notice") on November 26, 2014.

Intervention requests were filed by Niagara Peninsula Energy Inc. ("NPEI") and by David Kelly. Mr. Kelly also applied for cost award eligibility.

Counsel to NWTC and GPI filed a letter dated December 19, 2014 providing comments on the intervention and cost award eligibility requests. The letter indicates that NWTC and GPI do not object to the requests of NPEI or Mr. Kelly for intervenor status, but asks that the Board reject Mr. Kelly's application for cost award eligibility.

I hereby approve the intervention requests of NPEI and Mr. Kelly. The intervenors are listed in Appendix A to this Procedural Order.

I find that Mr. Kelly is eligible for a cost award under the Board's *Practice Direction on Cost Awards* (the "*Practice Direction*"). Mr. Kelly is, however, advised to review the *Practice Direction* carefully for further information about the types of costs and

disbursements that may be claimed by an individual participant in the Board's processes. In particular, the Board's Cost Award Tariff is intended to apply to consultants or experts that are acting on behalf of an intervening party and not to the intervening party itself or its employees or officers.

While individual intervenors that represent their own interests may claim for wage or salary losses incurred as a result of participating in a hearing and may, in appropriate circumstances, be eligible for an honorarium at the discretion of the Board, fees are not generally permitted to be claimed by individuals under the Board's Tariff.

I also note that being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of Board order at the conclusion of a proceeding. Attention should therefore also be paid to section 5 of the *Practice Direction* which lists the things the Board may consider in determining the amount of any cost award.

I consider it necessary to make provision for the following matters related to this proceeding at this time. The Board may amend this procedural order or issue further procedural orders from time to time.

#### **THE BOARD ORDERS THAT:**

1. Board Staff and Intervenors shall request, from the Applicants, any information and material that is in addition to the Applicants' pre-filed evidence and that is relevant to the hearing by written interrogatories filed with the Board and served on the Applicants on or before **January 23, 2015**. Where possible, the questions should specifically reference the pre-filed evidence.
2. The Applicants shall file complete responses to the interrogatories with the Board on or before **February 6, 2015**.

All filings to the Board must be made electronically through the Board's web portal at [www.pes.ontarioenergyboard.ca/eservice/](http://www.pes.ontarioenergyboard.ca/eservice/) in searchable/unrestricted PDF format and quote file number **EB-2014-0344**. 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 [www.ontarioenergyboard.ca/OEB/Industry](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.

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

**DATED** at Toronto January 7, 2015

**Ontario Energy Board**

**By delegation, before: Kristi Sebalj**

*Original signed by*

Kristi Sebalj  
Registrar

**Grimsby Power Inc.  
Niagara West Transformation Corporation**

**EB-2014-0344**

**APPENDIX A  
APPLICANTS & LIST OF INTERVENORS**

**Procedural Order No. 1**

**January 7, 2015**

**Grimsby Power Inc.  
Niagara West Transformation Corporation  
EB-2014-0344**

**APPLICANTS & LIST OF INTERVENORS**

**APPLICANTS**

**Rep. and Address for Service**

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**Niagara West Transformation  
Corporation**

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**INTERVENORS**

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**Mr. David Kelly**

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