



EB-2015-0003

PowerStream Inc.

**Application for electricity distribution rates for the
period from January 1, 2016 to December 31, 2020.**

PROCEDURAL ORDER NO. 1

July 10, 2015

PowerStream Inc. (PowerStream) filed a custom incentive rate application with the Ontario Energy Board (OEB) on May 22, 2015 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 PowerStream charges for electricity distribution, to be effective January 1, 2016 and for each following year through to December 31, 2020.

A Notice of Hearing (Notice) was issued on June 12, 2015. Each of the Association of Major Power Consumers in Ontario (AMPCO), the Building Owners and Managers Association, Greater Toronto (BOMA), the Consumers Council of Canada (CCC), Energy Probe Research Foundation (Energy Probe), the School Energy Coalition (SEC), the Sustainable Infrastructure Alliance of Ontario (SIA), and the Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility. No objection was received from PowerStream.

I approve all applications for intervenor status. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. I have also determined that each of AMPCO, BOMA, CCC, Energy Probe, SEC, SIA and VECC is eligible to apply for an award of costs under the OEB's Practice Direction on Cost Awards.

Cost eligible intervenors should be aware that the OEB 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.

Application Presentation

I am making provision for a public presentation of the application to the OEB, OEB staff and intervenors. The purpose of the presentation is not to provide an opportunity for cross-examination by the parties, but rather for PowerStream to present the “customized” aspects of its application, and to respond to any questions of clarification.

Issues List

It is the OEB’s expectation that parties will be best positioned to identify issues relevant to PowerStream’s application after the applicant has responded to interrogatories, and following a technical conference, should it be required. PowerStream, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB’s consideration. The OEB will approve an issues list prior to the settlement conference.

Interrogatories

At this time, I am also making provision for written interrogatories.

In the application, PowerStream noted that in a December 2, 2014 letter to the OEB, it had outlined a process whereby it would provide rate payer representatives with an overview of its Custom IR rate proposal and would seek to negotiate a settlement of the proposal with potential intervenors prior to filing the application.

PowerStream stated that it had not been able to reach a settlement with intervenors and as a result it was moving forward with the application. PowerStream suggested that given the extensive discovery process undertaken as part of the attempts to reach a settlement with intervenors, additional interrogatories from the potential intervenors who participated in the discovery and settlement process (assuming that they were to intervene in the application) might not be required but that PowerStream would answer interrogatories from OEB staff and other parties that may seek intervenor status as may be determined by the OEB.

I note that a number of intervenors participating in the settlement process outlined by PowerStream did file requests to become intervenors in the current process. Several of these intervenors objected to PowerStream’s suggestion that additional interrogatories from such intervenors might not be required.

Because the pre-application process conducted by PowerStream was outside of the OEB’s adjudicative process, I have determined that parties participating in the pre-application process will be permitted to file new interrogatories as part of the OEB’s

proceeding. All parties should, however, carefully review the material already placed on the record by PowerStream as part of the application, including the interrogatories and responses and undertakings to avoid duplication of interrogatories.

Parties should 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 OEB will consider the entire 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. The OEB will also consider productivity and benchmarking results in assessing cost forecasts, bill impacts, and distributor performance.

Parties should not engage in detailed exploration of items that do not appear to be material or that have already been canvassed. Parties should use the materiality thresholds documented in Chapter 2 of the Filing Requirements as a guide. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's Rules of Practice and Procedure 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. Intervenors, interested parties, the applicant, and the OEB, including staff, will convene on **July 28, 2015** starting at 9:30 a.m. in the OEB's offices at 2300 Yonge Street, 25th floor, Toronto, Ontario for PowerStream to present its application and to answer questions of clarification.
2. OEB staff shall request any relevant information and documentation from PowerStream that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **July 31, 2015**.

3. Intervenors shall request any relevant information and documentation from PowerStream that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **August 4, 2015**.
4. PowerStream shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **August 25, 2015**.
5. Following its review of PowerStream's responses to interrogatories, the OEB will determine if a technical conference is required. If required, a transcribed technical conference will be held **September 9, 2015** starting at 9:30 a.m. in the OEB'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 **September 10, 2015**. Parties intending to participate are to notify PowerStream, and copy all parties of the topic areas for questioning by **September 4, 2015**.
6. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **September 16, 2015**.
7. A settlement conference among the parties and OEB staff will be convened on **September 28, 2015** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the settlement conference will continue on **September 29 and 30, 2015**.
8. Any settlement proposal arising from the settlement conference shall be filed with the OEB by **October 19, 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.
9. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties within 7 days from when a settlement proposal is filed.
10. If there is no settlement proposal arising from the settlement conference, PowerStream shall file a statement to that effect with the OEB by **October 5, 2015**. In that event, parties shall file and serve on the other parties by **October 9, 2015** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

All filings to the OEB must quote the file number, EB-2015-0003, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB'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 OEB counsel, Maureen Helt at maureen.helt@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, July 10, 2015

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original Signed By

Kristi Sebalj
Registrar

SCHEDULE "A"

PowerStream Inc.

Board File No. EB-2015-0003

APPLICANT & LIST OF INTERVENORS

Dated: July 10, 2015

**PowerStream Inc.
EB-2015-0003**

APPLICANT & LIST OF INTERVENORS

July 10, 2015

APPLICANT

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APPLICANT & LIST OF INTERVENORS

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INTERVENORS

Rep. and Address for Service

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