



EB-2015-0003

PowerStream Inc.

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

PROCEDURAL ORDER NO. 3

September 18, 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.

On July 10, 2015, the OEB issued Procedural Order No. 1 establishing initial steps in this proceeding. These steps included:

- (1) OEB staff were to file a proposed issues list, or alternatively advise the OEB in writing that the parties and OEB staff had been unable to reach an agreement on a draft issues list by September 16, 2015, and
- (2) If there is no settlement proposal arising from the settlement conference, which is scheduled for September 28 to 30, 2015, PowerStream is to file a statement to that effect with the OEB by October 5, 2015 and in that event parties are to 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 an oral hearing.

Threshold Issue

On September 16, 2015, as directed by Procedural Order No. 1, OEB staff filed a letter with the OEB which attached a proposed agreed issues list containing non-disputed issues. OEB staff's letter noted that there was one disputed issue related to the announced merger between PowerStream, Enersource Hydro Mississauga Inc., Horizon Utilities Inc. and Hydro One Brampton Networks Inc.

The OEB considers that the proposed merger is a threshold question related to this application. The OEB also considers it expedient to retain the schedule for the settlement conference established in Procedural Order No. 1.

The OEB accordingly would find it useful to receive submissions from parties on the threshold question as to what, if any, consideration should be given by the OEB to the announced merger between PowerStream, Enersource Hydro Mississauga Inc., Horizon Utilities Inc. and Hydro One Brampton Networks Inc. as part of its review of the application. Interested parties should explain to the OEB why they believe the issue of the merger is in scope or out of scope in this proceeding.

In order to allow this matter to be resolved prior to the commencement of the Settlement Conference, the OEB will require these submissions by Wednesday September 23, 2015.

Partial Settlement Proposal Clarification

The direction in Procedural Order No. 1 noted above regarding a settlement proposal requires parties to file any submissions on which issues shall be heard in writing and for which issues the OEB should hold an oral hearing by October 9, 2015 in the event that no settlement agreement is reached.

The OEB wishes to clarify that in the event a partial settlement is reached, parties should also make submissions by October 9, 2015 as to which unsettled issues shall be heard in writing and for which unsettled issues the OEB should hold an oral hearing.

The OEB confirms that all other dates set out in Procedural Order No. 1 remain in effect.

THE OEB ORDERS THAT:

- 1 Parties and OEB staff wishing to make a submission on the threshold question of the proposed merger shall file such submissions with the OEB and deliver them to all parties on or before **September 23, 2015**.
- 2 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. If there is a partial settlement proposal, parties shall also file and serve on the other parties by **October 9, 2015** any submissions on which unsettled issues shall be heard in writing, and for which unsettled 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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free) Fax: 416-440-7656

DATED at Toronto, September 18, 2015

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary