



EB-2016-0208

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 Toronto Hydro-Electric System Limited for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2015 and for each following year effective January 1 through to December 31, 2019;

AND IN THE MATTER OF a motion by the School Energy Coalition pursuant to Rule 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision and Order on Cost Awards EB-2014-0116.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

August 22, 2016

On June 29, 2016, the School Energy Coalition (SEC) filed a Notice of Motion to review and vary the Decision and Order on Cost Awards in relation to EB-2014-0116, which was Toronto Hydro Electric System Limited's (Toronto Hydro) custom incentive rate application. SEC argued that the OEB had erred in fact and law by not allowing recovery in respect of work done and time spent on behalf of SEC prior to the filing of the application on July 31, 2014 in EB-2014-0116. SEC requested that the motion be heard orally or in writing as the OEB shall deem appropriate. The OEB has assigned this motion file number EB-2016-0208.

The OEB will adopt as intervenors and observers in this proceeding, the intervenors and observers from the EB-2014-0116 proceeding as well as Toronto Hydro. A list of the parties of record in that proceeding is attached as Schedule A. Any party that was

determined to be eligible for costs in the EB-2014-0116 proceeding shall be eligible for costs in this proceeding.

The Threshold Question

Under Rule 43.01 of the Board's *Rules of Practice and Procedure*, the OEB may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits.

Rule 42.01 of the *Rules of Practice and Procedure* states that a motion for review must set out grounds that raise a question as to the correctness of the order or decision in question, which grounds may include the following: (i) error in fact; (ii) change in circumstances; (iii) new facts have arisen; and (iv) facts that were not placed in evidence in the proceeding and could not have been discovered by reasonable diligence at the time.

The OEB has decided to consider the threshold question and to invite submissions from the parties before making a determination on the threshold question.

The OEB considers it necessary to make provisions for the following procedural matters related to the motion. Following the determination of the threshold question, the OEB will issue a decision on the threshold question and a procedural order outlining any further procedural steps required.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. SEC may file any further material or initial submissions relating to the threshold question by **August 29, 2016**. The material shall be filed with the OEB and copied to all parties of record in the EB-2014-0116 proceeding.
2. OEB staff may file a submission (with any relevant materials) on the threshold question by **September 1, 2016**. The submission shall be filed with the OEB and copied to all parties of record in the EB-2014-0116 proceeding.
3. Toronto Hydro and intervenors may file submissions (with any relevant materials) on the threshold question by **September 7, 2016**. The submissions shall be filed with the OEB and copied to all parties of record in the EB-2014-0116 proceeding.

4. SEC may file responses to any submissions by **September 14, 2016**. Any such response shall be filed with the OEB and copied to all parties of record in the EB-2014-0116 proceeding.

All filings to the OEB must quote the file number, **EB-2016-0208**, be made through the OEB's web portal at 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 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 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, August 22, 2016

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

SCHEDULE A

SCHOOL ENERGY COALITION

**MOTION TO REVIEW AND VARY
OEB COST AWARD DECISION EB-2014-0116**

EB-2016-0208

APPLICANT & CURRENT LIST OF INTERVENORS

**School Energy Coalition
EB-2016-0208**

APPLICANT & LIST OF INTERVENORS

August 22, 2016

APPLICANT

Rep. and Address for Service

School Energy Coalition

Jay Shepherd

Counsel
School Energy Coalition
2200 Yonge St.
Suite 1302
Toronto, ON M4S 2C6

Tel: 416-483-3300
Fax: 416-483-3305
jay.shepherd@canadianenergylawyers.com

INTERVENORS

Rep. and Address for Service

Allstream Inc.

David Peaker

Allstream Inc.
150 Laurier Avenue West
4th Floor
Ottawa ON K1P 5J4
Tel: 613-688-8693
Fax: 613-688-8303
iworkstation@mtsallstream.com

**Association of Major Power
Consumers in Ontario**

Wayne Clark

Consultant
SanZoe Consulting Inc.
25 Priest Avenue
Minesing ON LOL 1Y3
Tel: 705-728-3284
Fax: 705-721-0974
c.w.clark@sympatico.ca

**School Energy Coalition
EB-2016-0208**

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Association of Major Power
Consumers in Ontario**

Shelley Grice

Consultant
Econalysis Consulting Services
34 King Street East
Suite 630
Toronto ON M5C 2X8
Tel: 647-880-9942
Fax: 416-348-0641
shelley.grice@rogers.com

David Crocker

Partner
DLA Piper LLP
Suite 6000, 1 First Canadian Place
PO Box 367
100 King Street West
Toronto ON M5X 1E2
Tel: 416-941-5415
Fax: 416-777-7431
david.crocker@dlapiper.com

Hamza Mortgage

Client Representative
Association of Major Power Consumers in Ontario
65 Queen Street West
Suite 1510
Toronto ON M5H 2M5
Tel: 416-260-0280 Ext: 105
Fax: 416-260-0442
hamza@ampco.org

School Energy Coalition
EB-2016-0208

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Building Owners and
Managers Association
Toronto**

Thomas Brett
Partner
Fogler, Rubinoff LLP
77 King Street West
Suite 3000
Toronto ON M5K 1G8
Tel: 416-941-8861
Fax: 416-941-8852
tbrett@foglers.com

Marion Fraser
President
Fraser & Company
65 Harbour Square, Suite 1005
Toronto ON M5J 2L4
Tel: 416-941-9729
Fax: 416-941-9729
Marion.Fraser@rogers.com

**Canadian Electricity
Association**

Peter Ruby
Counsel
Goodmans LLP
Bay Adelaide Centre
222 Bay Street
Suite 3400
Toronto ON M5H 2S7
Tel: 416-597-4184
Fax: 416-979-1234
pruby@goodmans.ca

School Energy Coalition
EB-2016-0208

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Canadian Union of Public
Employees (Local One)**

Stephanie Hobbs

Sack Goldblatt Mitchell LLP
20 Dundas St. W.
Suite 1100
Toronto ON M5G 2G8
Tel: 416-979-4235
Fax: 416-591-7333
shobbs@sgmlaw.com

John Camilleri

President
CUPE Local One
15 Gervais Dr.
Suite 700
Toronto ON M3C 1Y8
Tel: 416-968-2549
Fax: 416-968-6836
jcamilleri@cupeone.com

Cogeco Cable Inc.

Bianca Sgambetterra

Sr. Advisor, Regulatory Affairs
Cogeco Cable Inc.
5, Place-Ville-Marie
Bureau 1700
Montreal QC H3B 0B3
Tel: 514-764-4700
Fax: 514-874-2625
telecom.regulatory@cogeco.com

School Energy Coalition
EB-2016-0208

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Consumers Council of
Canada**

Julie Girvan

Consultant
Consumers Council of Canada
62 Hillsdale Ave. East
Toronto ON M4S 1T5
Tel: 416-322-7936
Fax: 416-322-9703
jgirvan@uniserve.com

Ruth Greey

consultant
Consumers Council of Canada
147 Yonge Blvd.
Toronto ON M5M 3H3
Tel: 416-483-2696
Fax: Not Provided
rgreey@gmail.com

**Energy Probe Research
Foundation**

Peter Faye

Consultant
Energy Probe Research Foundation
42 Eastwood Crescent
Markham ON L3P 5Z7
Tel: 905-294-2013
Fax: Not Provided
pfaye@rogers.com

Roger Higgin

Sustainable Planning Associates Inc.
15 Malabar Place
Toronto ON M5B 1A4
Tel: 416-391-0738
Fax: Not Provided
spainc@rogers.com

School Energy Coalition
EB-2016-0208

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Energy Probe Research
Foundation**

David MacIntosh

Case Manager
Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 235
Fax: 416-964-8239
DavidMacIntosh@nextcity.com

**Ontario Power Generation
Inc.**

Tom Ladanyi

Manager Regulatory Affairs
Ontario Power Generation Inc.
700 University Avenue, H18-C1
Toronto ON M5G 1X6
Tel: 416-592-3651
Fax: 416-592-8519
tom.ladanyi@opg.com

Carlton Mathias

Assistant General Counsel
Ontario Power Generation Inc.
700 University Avenue
H18-G2
Toronto ON M5G 1X6
Tel: 416-592-4964
Fax: 416-592-1466
carlton.mathias@opg.com

Ontario Power Generation OPG

Ontario Power Generation Inc.
700 University Avenue
H18-g1
Toronto ON M5G 1X6
Tel: 416-592-4463
Fax: Not Provided
opgregaffairs@opg.com

School Energy Coalition
EB-2016-0208

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Rogers Cable
Communications Inc.**

Jennifer McAleer

Fasken Martineau DuMoulin LLP
333 Bay St.
Suite 2400
Bay Adelaide Centre, Box 20
Toronto ON M5H 2T6
Tel: 416-366-8381
Fax: 416 -364-7813
jmcaleer@fasken.com

Michael Piaskoski

Director
Rogers Communications Partnership
333 Bloor St. E.
9th Floor
Toronto ON M4W 1G9
Tel: 416-935-4808
Fax: Not Provided
michael.piaskoski@rci.rogers.com

**Rogers Communications
Partnership**

Leslie Milton

Fasken Martineau DuMoulin LLP
55 Metcalfe St.
Suite 300
Ottawa ON K1P 6L5
Tel: 613-236-3882
Fax: Not Provided
lmilton@fasken.com

School Energy Coalition
EB-2016-0208

APPLICANT & LIST OF INTERVENORS

August 22, 2016

**Rogers Communications
Partnership**

Pam Dinsmore

Vice President
Rogers Communications Partnership
333 Bloor St. E.
9th Floor
Toronto ON M4W 1G9
Tel: 416-935-4818
Fax: Not Provided
pam.dinsmore@rci.rogers.com

**Sustainable Infrastructure
Alliance of Ontario**

Dionisio Rivera

Sustainable Infrastructure Alliance of Ontario
303-1350 Kensington Pkwy
Brockville ON K6V 6B9
Tel: 416-770-4937
Fax: Not Provided
dionisio.rivera@live.com

TELUS Communications Inc.

Charlene Schneider

Director
TELUS Communications Inc.
Floor 21, 10020 - 100 Street
Edmonton AB T5J 0N5
Tel: 780-493-5777
Fax: 780-423-0924
charlene.schneider@telus.com

**The Society of Energy
Professionals**

Mike Belmore

External Relations Officer
The Society of Energy Professionals
2239 Yonge St.
Toronto ON M4S 2B5
Tel: 416-979-2709
Fax: 416-979-5794
belmorem@thesociety.ca

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APPLICANT & LIST OF INTERVENORS

August 22, 2016

**The Society of Energy
Professionals**

Bohdan Dumka

Consultant
The Society of Energy Professionals
276 Beresford Ave.
Toronto Ontario M6S 3B3
Tel: 416-854-1317
Fax: Not Provided
bohdan.dumka@gmail.com

**Toronto Hydro-Electric
System Limited**

Kathleen Burke

Manager
Toronto Hydro-Electric System Limited
14 Carlton Street
Toronto ON M5B 1K5
Tel: 416-542-3082
Fax: 416-542-3024
regulatoryaffairs@torontohydro.com

**Vulnerable Energy
Consumers Coalition**

Mark Garner

Consultant
Econalysis Consulting Services
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 647-408-4501
Fax: Not Provided
markgarner@rogers.com

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APPLICANT & LIST OF INTERVENORS

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**Vulnerable Energy
Consumers Coalition**

Bill Harper

Econalysis Consulting Services
34 King Street East
Suite 630
Toronto On M5C 2X8
Tel: 416-348 0193
Fax: Not Provided
bharper@econalysis.ca

Michael Janigan

Special Counsel
Public Interest Advocacy Centre
31 Hillside Avenue East
Toronto ON M4S 1T4
Tel: 416-840-3907
Fax: Not Provided
mjanigan@piac.ca