



EB-2016-0061

Canadian Niagara Power Inc.

**Application for electricity distribution rates beginning
January 1, 2017**

**PROCEDURAL ORDER NO. 1
September 16, 2016**

Canadian Niagara Power Inc. (Canadian Niagara Power) filed a complete cost of service application with the Ontario Energy Board (OEB) on July 13, 2016 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 Canadian Niagara Power charges for electricity distribution, to be effective January 1, 2017.

A Notice of Hearing was issued on August 17, 2016. Each of Energy Probe Research Foundation (Energy Probe), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Canadian Niagara Power.

Energy Probe, SEC and VECC are approved as intervenors. The list of parties to this proceeding is attached as Schedule A to this Procedural Order. I have also determined that Energy Probe, SEC and VECC are 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.

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Canadian Niagara Power's application after the applicant has responded to interrogatories, and following a technical conference, should it be required. Canadian Niagara Power, 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, provision will be made for written interrogatories. The OEB will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor's plans for the subsequent four years until the next scheduled rebasing application.

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 test year 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. 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.

It necessary to make provision for the following matters related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. OEB staff shall request any relevant information and documentation from Canadian Niagara Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 23, 2016**.
2. Intervenor shall request any relevant information and documentation from Canadian Niagara Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 28, 2016**.
3. Canadian Niagara Power shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **October 19, 2016**.
4. Following its review of Canadian Niagara Power's responses to interrogatories, the OEB will determine if a technical conference is required. If required, a transcribed Technical Conference will be held **November 2, 2016** 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 **November 3, 2016**. Parties intending to participate are to notify Canadian Niagara Power, and copy all parties, of the topic areas for questioning by **October 28, 2016**.
5. 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 **November 4, 2016**.
6. A Settlement Conference among the parties and OEB staff will be convened on **November 8, 2016** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **November 9 and 10, 2016**.
7. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **December 1, 2016**. 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.

8. 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.
9. If there is no settlement proposal arising from the Settlement Conference, Canadian Niagara Power shall file a statement to that effect with the OEB by **December 8, 2016**. In that event, parties shall file and serve on the other parties by **December 13, 2016** 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-2016-0061, 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, Ljuba Djurdjevic at Ljuba.Djurdjevic@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, **September 16, 2016**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

APPENDIX A

CANADIAN NIAGARA POWER INC.

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DATED: September 16, 2016

Applicant and Intervenor List

**Canadian Niagara Power Inc.
EB-2016-0061**

APPLICANT & LIST OF INTERVENORS

September 16, 2016

APPLICANT

Rep. and Address for Service

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APPLICANT & LIST OF INTERVENORS

September 16, 2016

INTERVENORS

Rep. and Address for Service

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Foundation**

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September 16, 2016

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Consumers Coalition**

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School Energy Coalition

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APPLICANT & LIST OF INTERVENORS

September 16, 2016

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