



EB-2016-0087

Kingston Hydro Corporation

**Application for Rates and other charges effective
January 1, 2017**

PROCEDURAL ORDER NO. 1

November 30, 2016

Kingston Hydro Corporation (Kingston Hydro) filed an application with the Ontario Energy Board (OEB) on August 15, 2016 under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B) (the Act) and under the OEB's *Filing Requirements for Incentive Regulation Rate Applications* seeking approval for changes to its electricity distribution rates to be effective January 1, 2017.

The OEB issued a Notice of Hearing (Notice) on August 31, 2016. The Consumers Council of Canada (CCC), Energy Probe Research Foundation (EP), the School Energy Coalition (SEC), and the Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility in relation to Kingston Hydro's requested rate increase.

In a letter dated November 11, 2016 and issued to each of the parties requesting intervenor status, the OEB indicated that because of the mechanistic nature of the adjustments contemplated in the Kingston Hydro application it had delegated its power under section 78 of the Act to determine Kingston Hydro's application to a member of OEB staff. The OEB's letter further indicated that pursuant to section 6(4) of the Act, the delegated authority had determined that the review of the application would proceed without holding a hearing. For these reasons, the intervention requests of each of CCC, EP, SEC and VECC were denied.

On November 11, 2016 the OEB received a letter from Mr. Shepherd on behalf of SEC wherein he took issue with the decision of the delegated authority in this case to determine the Kingston Hydro case without a hearing.

The OEB acknowledges that by issuing a Notice in this case, it invited participation through intervention. Subsequent to that Notice however, it was concluded that the application in question consisted of adjustments that were both mechanistic and contemplated as part of the OEB's original decision on Kingston Hydro's custom incentive rate-setting application (EB-2015-0083). It was on this basis that the OEB issued its letter of November 11, 2016 denying intervenor status to all parties that made intervention requests.

The OEB is firmly of the view that it is permitted to determine the appropriate procedure for the cases that come before it and disagrees that the determination of the decision maker to proceed without a hearing in this matter offends any aspect of the *Ontario Energy Board Act, 1999*. Given, however, that in this particular circumstance a Notice was issued; intervenor status will be granted to each of EP, CCC, SEC and VECC. The OEB does not, however, intend to allow for an award of costs in this matter.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Parties are reminded to 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 is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. Any interrogatories in addition to those filed by staff for which Kingston Hydro filed responses on November 22, 2016 shall be filed with the OEB and copied to the applicant by December 6, 2016.
2. Kingston Hydro shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by December 12, 2016.
3. Unless the OEB orders otherwise, any written submissions of intervenors and OEB staff shall be filed with the OEB and delivered to all other parties by December 16, 2016.
4. Unless the OEB orders otherwise, Kingston Hydro may file a written reply submission with the OEB, and deliver it to intervenors by December 21, 2016.

All filings to the OEB must quote the file number, EB-2016-0087 and be made electronically in searchable/unrestricted PDF format 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, Donald Lau at Donald.Lau@ontarioenergyboard.ca and OEB Counsel, Michael Millar at Michael.Millar@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, **November 30, 2016**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A

**Kingston Hydro Corporation
EB-2016-0087**

APPLICANT & LIST OF INTERVENORS

November 30, 2016

APPLICANT

Rep. and Address for Service

Kingston Hydro Corporation

Sherry Gibson

Senior Advisor
Kingston Hydro Corporation
P.O. Box 790
1211 John Counter Blvd.
Kingston ON K7L 4X7

Tel: 613-546-1181
Fax: Not Provided
sgibson@utilitieskingston.com

Randy Murphy

Chief Financial Officer
Kingston Hydro Corporation
1211 John Counter Blvd.
P.O. Box 790
Kingston ON K7L 4X7

Tel: 613-546-1181 Ext: 2317
Fax: 613-546-1624
regulatory@kingstonhydro.com

APPLICANT COUNSEL

Andrew Taylor

Andrew Taylor, Energy Law
120 Adelaide Street West
Suite 2500

Toronto ON M5H 1T1

Tel: 416-644-1568

Fax: 416-367-1954

ataylor@energyboutique.ca

Schedule A

**Kingston Hydro Corporation
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APPLICANT & LIST OF INTERVENORS

November 30, 2016

INTERVENORS

Rep. and Address for Service

**Consumers Council of
Canada**

Julie Girvan

Consultant
Consumers Council of Canada
62 Hillside 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**

Roger Higgin

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

Brady Yauch

Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 236
Fax: 416-964-8239
bradyyauch@consumerpolicyinstitute.org

Schedule A

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EB-2016-0087**

APPLICANT & LIST OF INTERVENORS

November 30, 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

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Public School Boards' Association
439 University Avenue
18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wmcnally@opsba.org

Jay Shepherd

Counsel
Jay Shepherd Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 416-483-3300
Fax: 416-483-3305
jay.shepherd@canadianenergylawyers.com

Mark Rubenstein

Counsel
Jay Shepherd Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 416-483-3300
Fax: 416-483-3305
mark.rubenstein@canadianenergylawyers.com

Schedule A

**Kingston Hydro Corporation
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APPLICANT & LIST OF INTERVENORS

November 30, 2016

**Vulnerable Energy
Consumers Coalition**

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

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