



EB-2016-0105

**Thunder Bay Hydro Electricity Distribution Inc.**

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

**DECISION ON SETTLEMENT PROPOSAL AND  
PROCEDURAL ORDER NO. 5  
May 4, 2017**

This is a decision by the Ontario Energy Board (OEB) regarding a revised settlement proposal and additional procedural direction in the hearing of an application filed by Thunder Bay Hydro Electricity Distribution Inc. (Thunder Bay Hydro).

Thunder Bay Hydro filed the application with the OEB on September 9, 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 Thunder Bay Hydro charges for electricity distribution, to be effective May 1, 2017.

On March 31, 2017, Thunder Bay Hydro filed a settlement proposal with the OEB, which proposed a partial settlement of some of the issues in this proceeding.

After filing the settlement proposal, Thunder Bay Hydro filed a letter with the OEB noting that it had retained Mr. Tsimberg of Kinectrics Inc. to review and opine on Thunder Bay Hydro's distribution system plan. The School Energy Coalition (SEC), an intervenor in the proceeding, filed a letter asking the OEB to direct appropriate steps relating to new evidence in advance of the oral hearing on April 20, 2017. SEC's position was supported by letters filed by two other intervenors, the Association of Major Power Consumers in Ontario and the Vulnerable Energy Consumers Coalition. Thunder Bay Hydro filed a response to these letters.

The OEB issued Procedural Order No. 3 which indicated that at the oral hearing, the OEB would first deal with the settlement proposal and then hear oral submissions from all parties on the matters raised in the SEC letter.

At the oral hearing, the OEB determined that it would not accept the settlement proposal as filed, but would consider approving an expanded version reflecting the additional information provided at the oral hearing. The OEB also determined that before the oral hearing could proceed further, it was necessary for Thunder Bay Hydro to file a statement of intent with respect to how it wished to proceed with Mr. Tsimberg's evidence including the date any additional written evidence from Mr. Tsimberg would be filed. The OEB established a filing date of April 27, 2017 for a revised settlement proposal and a statement of intent.

Thunder Bay Hydro filed a revised settlement proposal and its statement of intent with respect to evidence from Mr. Tsimberg. Thunder Bay Hydro's statement of intent indicated that new opinion evidence from Mr. Tsimberg's would be filed on May 15, 2017. Thunder Bay Hydro asked the OEB to withdraw the original letter from Mr. Tsimberg dated March 24, 2017 from the evidentiary record to permit Mr. Tsimberg to update his opinion evidence. In addition, Thunder Bay Hydro provided the OEB with the dates its witnesses were available for subsequent procedural steps.

### **Findings**

The OEB finds that the additional information contained in the revised settlement proposal is sufficient. The OEB approves the revised settlement proposal which is a partial settlement of the issues in the proceeding.

The OEB accepts Thunder Bay Hydro's proposal to file new expert evidence by May 15, 2017, but will not remove the original letter from Mr. Tsimberg dated March 24, 2017 from the evidentiary record. Numerous references to the letter have already been made in other filed documents and during the oral hearing. However, the OEB will not classify the letter as a piece of evidence and Mr. Tsimberg may file his expert report without reference to the March 24, 2017 letter.

### **Procedural Direction**

The OEB has decided to establish a written interrogatory process which will be limited to the new expert evidence. The OEB has determined that the oral hearing will continue on June 29, 2017 and June 30, 2017, if necessary. The dates for the interrogatory process and hearing have been set in recognition of the dates that the witnesses for

Thunder Bay Hydro are unavailable, as described in Thunder Bay Hydro's letter of April 27, 2017.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:**

1. Thunder Bay Hydro shall file the new expert report with the OEB by May 15, 2017 and serve it on all intervenors and OEB staff.
2. OEB staff shall request any relevant information and documentation from Thunder Bay Hydro on the new expert report only, by written interrogatories filed with the OEB and served on all parties by May 30, 2017.
3. Intervenors shall request any relevant information and documentation from Thunder Bay Hydro on the new expert report only, by written interrogatories filed with the OEB and served on all parties by June 2, 2017.
4. Thunder Bay Hydro shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by June 21, 2017.
5. The oral hearing will continue on June 29, 2017 at **9:00 am** in the OEB's hearing room at 2300 Yonge Street, 25<sup>th</sup> floor and on June 30, 2017, if necessary.

All filings to the OEB must quote the file number, 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.oeb.ca/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 Registrar 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@oeb.ca](mailto:martin.davies@oeb.ca) and OEB Counsel, Jennifer Lea at [jennifer.lea@oeb.ca](mailto:jennifer.lea@oeb.ca).

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**DATED** at Toronto, **May 4, 2017**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary