

Hydro Hawkesbury Inc.

**Application for electricity distribution rates and other
charges beginning January 1, 2018**

**PROCEDURAL ORDER NO. 1
October 16, 2017**

Hydro Hawkesbury Inc. (Hydro Hawkesbury) filed a cost of service application with the Ontario Energy Board (OEB) on July 12, 2017 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 Hydro Hawkesbury charges for electricity distribution, to be effective January 1, 2018.

A Notice of Hearing was issued on August 23, 2017. The Vulnerable Electricity Consumer Coalition (VECC), School Energy Coalition (SEC)¹ and Capredoni Enterprises Ltd. (CEL) applied for intervenor status and cost eligibility.

Hydro Hawkesbury filed a letter with the OEB objecting to CEL's request for intervenor status and cost eligibility. In its letter Hydro Hawkesbury noted that CEL had failed to demonstrate that it held a "substantial interest" in the proceeding as is required under Rule 22.02 of the OEB's *Rules of Practice and Procedure* and CEL had not provided evidence to confirm that it is a customer of Hydro Hawkesbury and that it, or Mr. Capredoni, is authorized to represent small business owners in the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce.

In a letter dated October 6, 2017, the OEB sought additional information from CEL in relation to CEL's mandate and objectives, its authorization to represent the members of

¹ Late intervention received on September 28, 2017

the noted Chambers of Commerce and a description of CEL's substantial interest. CEL was required to provide this information by October 13, 2017.

The OEB has not received the additional information that was requested of CEL. Accordingly, CEL's request for intervenor status and cost eligibility is denied. There is no indication in the notice of intervention that CEL or Mr. Capredoni has been formally appointed to represent or advocate on behalf of the Greater Niagara Chamber of Commerce or Ontario Chamber of Commerce, and CEL has not explained how any of the members that CEL claims to represent has a substantial interest in the outcome of this proceeding or are customers of Hydro Hawkesbury. The OEB notes that where an individual claims to represent the interests of other individuals or businesses, evidence must be provided to support this claim. With respect to Mr. Capredoni's request for intervenor status on behalf of his small business, it is not clear to the OEB that CEL is a customer of Hydro Hawkesbury or has a substantial interest in this proceeding. The OEB does not therefore have any basis upon which to approve the intervention request as filed.

Each of VECC and SEC are approved as an intervenor. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. VECC and SEC 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.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Hydro Hawkesbury's application after the applicant has responded to interrogatories. Hydro Hawkesbury, 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 in the test year.

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.

Presentation Day

Following the settlement conference, provision will be made for the presentation of any settlement proposal filed by Hydro Hawkesbury, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Hydro Hawkesbury's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal. With respect to any unsettled issues, the presentation should focus on how the issues relate to the business conditions Hydro Hawkesbury anticipates over the next 5 years, the planning it has undertaken to address system needs and customer preferences, and its proposal regarding how the costs of distributing electricity ought to be recovered from customers through the rates they pay, taking into consideration the OEB's policies. The purpose of

the presentation is not to provide an opportunity for cross-examination by the parties, but rather for Hydro Hawkesbury to present any settlement and any remaining issues in the case.

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

IT IS THEREFORE ORDERED THAT:

1. OEB staff shall request any relevant information and documentation from Hydro Hawkesbury that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 20, 2017**.
2. Intervenors shall request any relevant information and documentation from Hydro Hawkesbury that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 23, 2017**.
3. Hydro Hawkesbury shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **November 13, 2017**.
4. 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 20, 2017**.
5. A Settlement Conference among the parties and OEB staff will be convened on **November 22, 2017** starting at **9:30 a.m.**, at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **November 23, 2017**.
6. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **December 18, 2017**. 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.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties within 21 days from when a settlement proposal is filed.

8. If there is no settlement proposal arising from the Settlement Conference, Hydro Hawkesbury shall file a statement to that effect with the OEB by **December 6, 2017**. In that event, parties shall file and serve on the other parties by **December 8, 2017** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
9. The OEB is setting a tentative date of **January 11, 2018** from 9:30 a.m. to 12:00p.m. at 2300 Yonge Street, 25th Floor, Toronto, for Hydro Hawkesbury to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

All filings to the OEB must quote the file number, EB-2017-0048, 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/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 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, Birgit Armstrong at birgit.armstrong@oeb.ca and OEB Counsel, James Sidlofsky at james.sidlofsky@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Registrar

E-mail: registrar@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **October 16, 2017**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar
Office of the Registrar

SCHEDULE A
PROCEDURAL ORDER NO.1
HYDRO HAWKESBURY INC.
EB-2017-0048
OCTOBER 16, 2017
LIST OF PARTIES

Hydro Hawkesbury Inc.

EB-2017-0048

APPLICANT & LIST OF INTERVENORS

October 16, 2017

APPLICANT

Rep. and Address for Service

Hydro Hawkesbury Inc.

Michel Poulin

Manager
Hydro Hawkesbury Inc.
850 Tupper Street
Hawkesbury, ON K6A 3S7

Tel: 613-632-6689

Fax: Not Provided

MichelPoulin@HydroHawkesbury.ca

INTERVENORS

Rep. and Address for Service

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
Shepherd Rubenstein Professional Corporation
2200 Yonge St.
Suite 1302

Toronto ON M4S 2C6

Tel: 416-483-3300

Fax: 416-483-3305

jay@shepherdrubenstein.com

APPLICANT & LIST OF INTERVENORS

School Energy Coalition

Mark Rubenstein

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

**Vulnerable Energy
Consumers Coalition**

Cynthia Khoo

Legal Counsel
Public Interest Advocacy Centre
1139 College St.
Toronto ON M6H 1B5
Tel: 604-725-5484
Fax: Not Provided
ckhoo@cynthiakhoo.ca

Mark Garner

Project Manager
Econalysis Consulting Services
34 King Street East, Suite 630
Toronto ON M5C 2X8
Tel: 647-408-4501
Fax: 416-348-0641
markgarner@rogers.com

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