



EB-2017-0320

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF applications filed by Hydro One Inc., Orillia Power Distribution Corporation and Hydro One Networks Inc. seeking various approvals under sections 18, 74, 77(5), 78, 86(1)(a) and 86(2)(b) of the *Ontario Energy Board Act, 1998* to complete the purchase of Orillia Power Distribution Corporation by Hydro One Inc.

AND IN THE MATTER OF motions by Hydro One Inc. and Orillia Power Distribution Corporation pursuant to Rule 8 and Rules 40 through 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary Procedural Order No. 6 issued in Ontario Energy Board Proceeding EB-2016-0276

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

October 24, 2017

Hydro One Inc. (Hydro One) filed an application with the Ontario Energy Board (OEB) on October 11, 2016, under section 86(2)(b) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (Act), requesting approval to purchase all of the shares of Orillia Power Distribution Corporation (Orillia Power). As part of the share purchase, Orillia Power and Hydro One requested the OEB's approval for related transactions/ proposals:

- Inclusion of a rate rider in Orillia Power's 2016 OEB approved rate schedule, under section 78 of the Act, to give effect to a 1% reduction in the 2016 base electricity delivery rates for residential and general service classes until 2022
- Transfer of Orillia Power's rate order to Hydro One, under section 18 of the Act
- Transfer of Orillia Power's distribution system to Hydro One, under section 86(1)(a) of the Act

- Cancellation of Orillia Power's electricity distribution licence, under section 77(5) of the Act
- Amendment of Hydro One's electricity distribution licence, under section 74 of the Act authorizing Hydro One to serve Orillia Power's customers

The OEB assigned the application file number EB-2016-0276. Having reviewed all of the submissions filed, the OEB issued Procedural Order No. 6 on July 27, 2017, in which it determined that the hearing of the application would be adjourned until the OEB renders its decision on Hydro One's electricity distribution rate application (EB-2017-0049). The OEB found that Hydro One should defend its cost allocation proposal in the EB-2017-0049 application prior to the OEB determining if the Orillia Power acquisition is likely to cause harm to any of its current customers.

Hydro One and Orillia Power have each filed a Notice of Motion for a review and variance of the OEB's Procedural Order No. 6 on August 14, 2017 and August 16, 2017, respectively. Hydro One and Orillia Power have requested that the motions be heard in writing. The OEB will hear these motions together and has assigned file number EB-2017-0320 to this matter.

The OEB will adopt as intervenors in this proceeding, the intervenors from the EB-2016-0276 proceeding. A list of the parties of record in that proceeding is attached as Appendix A. Any party that was determined to be eligible for costs in the EB-2016-0276 proceeding shall be eligible for costs in this proceeding.

On August 16, 2017, School Energy Coalition, an intervenor on the EB-2016-0276 proceeding informed the OEB that it wishes to cross-examine on new evidence contained in the motions filed by Orillia Power and Hydro One.

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

The OEB has decided to consider the threshold question for the motions at the same time it will hear submissions on the merits. The OEB therefore invites parties to make submissions on both the threshold issue and the ultimate merits of the motions. Once

written submissions are received, the OEB will determine whether an oral hearing is required.

Prior to receiving submissions, however, the OEB will provide an opportunity for parties to cross-examine on new evidence contained in the Orillia Power affidavit or in subsequent filings by Hydro One or Orillia Power.

The OEB considers it necessary to make provisions for the following procedural matters related to the motions.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Hydro One and Orillia Power may file any further material or initial submissions relating to the motions by **November 1, 2017**. The material shall be filed with the OEB and copied to all parties of record in the EB-2016-0276 proceeding.
2. OEB staff and intervenors wishing to cross examine on the new material filed with the motions may do so on **November 10, 2017**. The cross examinations will commence at 9:30 am in the OEB's hearing room at 2300 Yonge Street, Toronto. OEB panel members will not be present.
3. OEB staff may file a submission on the motions by **November 24, 2017**. The submission shall be filed with the OEB and copied to all parties of record in the EB-2016-0276 proceeding.
4. Intervenors may file submissions on the motions by **November 27, 2017**. The submissions shall be filed with the OEB and copied to all parties of record in the EB-2016-0276 proceeding.
5. Hydro One and Orillia Power may file reply submissions by **December 13, 2017**. The submissions shall be filed with the OEB and copied to all parties of record in the EB-2016-0276 proceeding.

All filings to the OEB must quote the file number, EB-2017-0320, 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 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, Judith Fernandes at judith.fernandes@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

ADDRESS

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Fax: 416-440-7656

DATED at Toronto, October 24, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

HYDRO ONE INC.

ORILLIA POWER DISTRIBUTION CORPORATION

MOTIONS TO REVIEW AND VARY PROCEDURAL ORDER NO. 6

ISSUED IN OEB PROCEEDING EB-2016-0276

EB-2017-0320

APPLICANTS & CURRENT LIST OF INTERVENORS

**Hydro One Networks Inc.
Orillia Power Distribution Corporation
APPLICANTS & LIST OF INTERVENORS**

October 24, 2017

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Hydro One Networks Inc.
Orillia Power Distribution Corporation
APPLICANTS & LIST OF INTERVENORS

October 24, 2017

**Orillia Power Distribution
Corporation**

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**Hydro One Networks Inc.
Orillia Power Distribution Corporation
APPLICANTS & LIST OF INTERVENORS**

October 24, 2017

INTERVENORS

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APPLICANTS & LIST OF INTERVENORS**

October 24, 2017

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