



EB-2017-0049

Hydro One Networks Inc.

**Application for electricity distribution rates beginning
January 1, 2018 until December 31, 2022**

**DECISION ON MOTIONS TO REVIEW INTERVENTION REQUEST
DECISIONS
November 2, 2017**

Hydro One Networks Inc. (Hydro One) filed a 5 year Custom Incentive Rate-setting application with the Ontario Energy Board (OEB) on March 31, 2016 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to its distribution rates, to be effective January 1, 2018 to December 31, 2022.

A Notice of Hearing (Notice) was issued on May 24, 2017. In Procedural Order No. 1 issued on August 31, 2017, the Registrar granted a number of requests for intervenor status and cost award eligibility. The Registrar also denied intervenor status to four policy or research-based representatives that had requested such status. The Registrar's authority to decide intervenor status and cost eligibility is under Section 6 of the OEB Act, as the Registrar, an employee of the OEB, has been delegated the powers and duties of the OEB to do so. Hydro One did not object to any of the requests for intervenor status and cost eligibility in this proceeding.

The OEB received letters from Energy Storage Canada (ESC) and Ontario Sustainable Energy Association (OSEA) requesting that the OEB review and vary the decision denying them intervenor status. The OEB is treating both of these letters as an appeal to the OEB under Section 7(1) of the OEB Act of the Registrar's Decision on intervenor status.

For ESC, the Registrar denied intervenor status because it was unclear how ESC members will be directly and materially affected by the outcome of this hearing. The Registrar noted that commercial interests are not within the mandate of the OEB to consider in this proceeding.

For OSEA, the Registrar based the decision to deny intervenor status on the lack of information filed by OSEA on its interest in issues specific to Hydro One's application that will be of value to the OEB in respect of its mandate in this proceeding.

In the letter filed by ESC on September 6, 2017, ESC stated that the OEB made an error in fact because it failed to apprehend that energy storage providers are distribution customers when they are loading and drawing energy from the distribution system. ESC also noted energy storage providers may also be an alternative to, or deferral for, distribution.

OSEA filed a letter on September 19, 2017 submitting that the OEB erred by deciding that OSEA does not have a substantial interest in the proceeding. OSEA stated that its interests include ensuring rates that encourage conservation and the incorporation of renewable energy, the connection impact assessment rates (CIA) sought by Hydro One, and Hydro One's conservation and demand management (CDM) programs, CDM forecast, and customer care staffing as it relates to conducting outreach programs and enrolling customers in conservation programs.

Findings

The OEB grants intervenor status to ESC on the basis of the new information filed in its September 6, 2017 letter. The OEB does not find that the Registrar made an error in fact. A request for intervenor status must provide details on the specific issues in a particular proceeding in which a party has a substantial interest. ESC failed to provide sufficient information in its request for intervenor status to demonstrate that it has a substantial interest in Hydro One's application. Based on the new information filed by ESC on September 6th, the OEB accepts that energy storage providers are customers of Hydro One that pay distribution rates and that ESC through its membership represents energy storage providers. ESC may also have an interest in alternatives to Hydro One's plans for its distribution system. The OEB expects ESC's intervention to focus on rates for energy storage providers and distribution system planning. The OEB grants cost award eligibility to ESC for its activities in this proceeding pertaining to its consumer status. The OEB considers any interest that ESC may have in alternatives to Hydro One's plans for its distribution system would generally be commercial in nature and not eligible for cost awards.

The OEB also grants intervenor status to OSEA. The OEB does not find that the Registrar erred in finding that OSEA had not identified issues specific to Hydro One's application in which it had a substantial interest. In its letter of September 19, 2017, OSEA provided a number of areas of interest that had not been provided in its request for intervenor status. The OEB accepts that OSEA has an interest in connection impact assessment (CIA) rates and the scorecard metrics. OSEA may also have an interest in the CDM forecast.

The OEB notes that the development and delivery of CDM programs is generally not in scope of a distributor's rate application. CDM is delivered through a contractual relationship between the Independent Electricity System Operator (IESO) and the distributor, and funded through the global adjustment, not distribution rates. Staffing for outreach programs and enrolling customers for these CDM programs is therefore not within the scope of Hydro One's application.

To the extent that conservation activities are related to local distribution system constraints or to deferring the capital investment for specific distribution infrastructure, they may be in scope. OSEA is expected to focus its intervention on CIA rates, the scorecard metrics and those conservation activities (if any) that are within the scope of this proceeding. OSEA's policy perspective is relevant to the OEB's mandate, and therefore it is granted cost award eligibility for the scope of its intervention.

As the OEB has found that there was no error in the Registrar's decision to deny the intervenor requests for ESC and OSEA, the OEB finds that both parties must accept the hearing record as it currently stands.

A revised list of parties in this proceeding is attached as Schedule A to this Decision.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Harold Thiessen at harold.thiessen@oeb.ca and OEB Counsel, James Sidlofsky at james.sidlofsky@oeb.ca.

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DATED at Toronto, November 2, 2017

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
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SCHEDULE A

DECISION ON INTERVENOR STATUS MOTIONS

HYDRO ONE NETWORKS INC.

EB-2017-0049

NOVEMBER 2, 2017

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EB-2017-0049**

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