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12 February 2018

**Kirsten Walli**  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2017-0335, Anwaatin Inc. ("Anwaatin") Motion to Review and Vary EB-2016-0160 Decision (the "Proceeding")**

We are counsel to Anwaatin in the Proceeding. Please find enclosed Anwaatin's Supplemental Book of Authorities that it may rely on during the oral hearing.

Yours very truly,

A handwritten signature in black ink, consisting of a stylized 'L' followed by a horizontal stroke that curves upwards and to the right.

Lisa (Elisabeth) DeMarco

**ONTARIO ENERGY BOARD**

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

**AND IN THE MATTER OF** an application by Hydro One Networks Inc. for electricity transmission revenue requirement and related changes to the Uniform Transmission Rates beginning January 1, 2017 and January 1, 2018;

**AND IN THE MATTER OF** the Decision of the Ontario Energy Board on the Application dated September 28, 2017;

**AND IN THE MATTER OF** Rules 40, 42 and 43 of the *Rules of Practice and Procedure* of the Ontario Energy Board.

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**SUPPLEMENTAL BOOK OF AUTHORITIES OF THE MOVING PARTY,  
ANWAATIN INC.  
(motion for review and variance)**

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February 12, 2018

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**Counsel to Anwaatin Inc.**

TO: Ontario Energy Board  
2700-2300 Yonge Street  
Toronto, ON M4P 1E4

Tel: 416-481-1967  
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AND TO: Intervenors of Record

## ONTARIO ENERGY BOARD

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

**AND IN THE MATTER OF** an application by Hydro One Networks Inc. for electricity transmission revenue requirement and related changes to the Uniform Transmission Rates beginning January 1, 2017 and January 1, 2018;

**AND IN THE MATTER OF** the Decision of the Ontario Energy Board on the Application dated September 28, 2017;

**AND IN THE MATTER OF** Rules 40, 42 and 43 of the *Rules of Practice and Procedure* of the Ontario Energy Board.

### SUPPLEMENTAL BOOK OF AUTHORITIES OF THE MOVING PARTY,

**ANWAATIN INC.**

(motion for review and variance)

### INDEX

Tab	Document
AUTHORITY	
1	EB-2016-0160, Submissions from Anwaatin on the Issues List
2	EB-2016-0160, Anwaatin Reply Submissions on the Issues List
3	EB-2016-0160, Procedural Order No. 3, dated October 12, 2016 (Anwaatin issues captured in Issues List)
4	EB-2016-0160, Letter from Anwaatin to the Board re: evidence dated October 19, 2016
5	EB-2016-0160, Procedural Order No. 4, dated October 28, 2016 (Anwaatin may file evidence)



**TAB 1**





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29 September 2016

**Kirsten Walli**  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2016-0160**  
**Proposed issues list for Hydro One Networks Inc. ("Hydro One") application for electricity transmission revenue requirement and related changes to the Uniform Transmission Rates beginning January 1, 2017 and January 1, 2018**

We are counsel to Anwaatin Inc. (**Anwaatin**) in the above-mentioned proceeding (the **Proceeding**). Board Staff has requested submissions on its proposed Issues List circulated on September 26, 2016 (the **Proposed Issues List**). Anwaatin's submissions follow.

Anwaatin supports the inclusion of Proposed Issues 3, 4, 6, 10, 11 and 12 on the understanding that they will permit the Board's thorough consideration of reliability issues in Northern and Southern Ontario and related impacts on customers, including Indigenous communities. Anwaatin also respectfully requests that the Board include the following issue on the Issues List in order to assist the Board in its conduct of the proceeding, consideration of the evidence, and setting just and reasonable rates in accordance with section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, Sched. B (the **OEB Act**), and Rule 28 of the Board's *Rules of Practice and Procedure*:

Has Hydro One undertaken adequate outreach and consultation with Indigenous communities and groups and are its current processes and procedures sufficient to do so? (the **Anwaatin Issue**)

While Hydro One's evidence at Exhibit A, Tab 9, Schedule 1, directly addresses stakeholder consultation, none of the issues on the Proposed Issues List appear to allow for the Board's full consideration of the evidence and related consideration specific to Indigenous communities and groups. The principles, design, and processes Hydro One used to consult and engage with stakeholders in preparation for the Proceeding are also clearly a part of Hydro One's evidence, relevant, and material to the Board's decision in the Proceeding. Further, Hydro One directly addressed interrogatories related to its engagement with Indigenous stakeholders and its



performance scorecard at Exhibit I, Tab 10, Schedule 1, and Exhibit I, Tab 10, Schedule 7. Moreover, Hydro One owns and maintains assets on reserve lands and within the traditional territories of Indigenous peoples.

Anwaatin submits that the inclusion of the Anwaatin Issue is consistent with the Board's duty to protect the public interest and the interests of the most vulnerable Indigenous customers in accordance with section 1(1) of the *OEB Act*. It will also assist the Board in discharging its substantive and procedural obligations under section 78 of the *OEB Act*. Anwaatin therefore respectfully requests that the Anwaatin Issue be added to the Proposed Issues List.

Yours very truly,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke extending to the right.

Lisa (Elisabeth) DeMarco

**TAB 2**





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3 October 2016

**Kirsten Walli**  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2016-0160 proposed issues list ("Draft Issues List") for Hydro One Networks Inc. ("Hydro One") application for electricity transmission revenue requirement and related changes to the Uniform Transmission Rates beginning January 1, 2017, and January 1, 2018 (the "Proceeding")**

We are counsel to Anwaatin Inc. (**Anwaatin**) in the Proceeding and have received Hydro One's September 30, 2016, submissions objecting to the inclusion of Anwaatin's proposed issue on the Draft Issues List. The following letter sets out Anwaatin's reply for the Board's consideration and the supporting letter of Chief Isadore Day of the Chiefs of Ontario (**COO**).

Anwaatin has proposed the inclusion of the following issue:

Has Hydro One undertaken adequate outreach and consultation with Indigenous communities and groups and are its current processes and procedures sufficient to do so? (the **Anwaatin Issue**).

Anwaatin is both surprised and puzzled by Hydro One's objection to the Anwaatin Issue given: (i) the Board's recently updated Filing Requirements for Electricity Transmission Applications (the **Filing Requirements**) and the requirements of the Transmission System Code (**TSC**); (ii) section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended (the **Act**); (iii) Hydro One's own evidence in the Proceeding (the **Evidence**); and (iv) the importance of Indigenous customers and stakeholders in the changing corporate governance/ownership of Hydro One.

**Filing Requirements and TSC.** The Filing Requirements stipulate that Hydro One must file evidence on stakeholder engagement with **all** customer groups. This necessarily includes First Nations and Indigenous customers that have unique and disproportionate transmission service and reliability concerns. Specifically, section 2.3.2 of the Filing Requirements stipulates that:

*The OEB expects that transmitters will initiate or continue customer engagement activities and provide a summary of those activities as part of the application.*

*The Transmission System Code (TSC) defines customer as a generator, **consumer**, distributor or unlicensed transmitter whose facilities are connected to or are intended to be connected to the transmission system. The **TSC requires some communications and discussions with customers related to matters such as regional planning, connection procedures, testing and inspections, system performance and outages. The applicant's report should describe these and any other activities designed to engage all customers connected to the transmission system, including discussions related to investment planning and transmission rates and charges.***

***Transmitters should specifically discuss how their customers were engaged in order to determine their needs, what their needs are, and how the application has responded to any identified needs. Applicants must separately report on the needs of end-use load customers (as distinct from regulated distributors) served directly from the transmission system, and explain how the transmitter's application responds to the needs of these customers.** Similarly, any discussion of the needs of generator customers should be presented separately.*

*A report of customer satisfaction surveys undertaken and results of these surveys should be provided. Information on planned future customer engagement activities should also be detailed in this section. Transmitters may find Appendix 2AC in the Distribution Filing Requirements helpful in structuring this evidence.*

***Transmitters are expected to file with the OEB their response to the matters raised in any letters of comment sent to the OEB related to the transmitter's application.** (emphasis added).*

Anwaatin therefore submits that inclusion of the Anwaatin Issue is entirely consistent with the Filing Requirements and TSC.

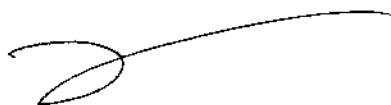
**Section 78 of the Act.** Section 78(1) of the Act stipulates that no transmitter may charge for the transmission of electricity except in accordance with an order of the Board. Section 78(3) of the Act stipulates that the Board may make orders approving or fixing **just and reasonable rates for the transmitting of electricity**. Anwaatin respectfully submits that transmission rates that are set without a thorough consideration of issues raised by, engagement with, and outreach to, Indigenous customers with significant transmission service and reliability concerns cannot be "just and reasonable".

**The Evidence.** The Evidence at Exhibit A, Tab 9, Schedule 1, touches upon stakeholder consultation, but does not address stakeholder engagement with Hydro One's First Nations and Indigenous customers that appear to be most vulnerable and impacted by outage and reliability concerns. Further, the Evidence at Exhibit C1, Tab 3, Schedule 3, page 11, states that **"[b]uilding relationships with First Nations and Metis communities based upon trust, confidence, and accountability is vital to achieving Hydro One's business objectives."** Moreover, the Evidence at Exhibit I, Tab 10, Schedule 1 relates to Hydro One's engagement and consultation with First Nations and Indigenous communities. The Anwaatin Issue is therefore relevant to and a part of the Evidence. In the event that the Anwaatin Issue is not included in the Draft Issues List, it would put Anwaatin and other intervenors in the untenable position of having evidence on the record, but no ability to examine Hydro One on it. Anwaatin submits that such an outcome is inconsistent with each and all of the Board's customer

protection objectives, Anwaatin's ability to participate fully and effectively in accordance with the rights afforded by the principle of *audi alterem partem*, and procedural fairness that supports the Board's reputation and decision-making.

**Changing Corporate Governance/ Ownership.** On July 12, 2016, the Government announced an agreement-in-principle to sell up to 2.5% of outstanding shares (15 million shares) of Hydro One Limited to Ontario First Nations in order to ***promote stronger economic relations*** and promote ***healing and reconciliation with Indigenous Peoples***. Anwaatin submits that Hydro One's objection to the Anwaatin Issue is antithetical to the spirit and intent of the agreement-in-principle and is not conducive to its efficient and effective implementation. Anwaatin therefore respectfully requests that Hydro One reconsider its position on the Anwaatin Issue and that the Board include the Anwaatin Issue on the final Issues List.

Yours truly,

A handwritten signature in black ink, appearing to be 'Lisa (Elisabeth) DeMarco', written in a cursive style.

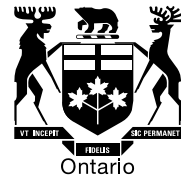
Lisa (Elisabeth) DeMarco



**TAB 3**







**EB-2016-0160**

## **Hydro One Networks Inc. Transmission**

### **Application for electricity transmission revenue requirement and related changes to the Uniform Transmission Rates beginning January 1, 2017 and January 1, 2018**

#### **DECISION ON THE ISSUES LIST AND PROCEDURAL ORDER NO. 3 October 12, 2016**

Hydro One Networks Inc. (Hydro One) filed a cost of service application with the Ontario Energy Board (OEB) on May 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 transmission revenue requirement and to the Ontario Uniform Transmission Rates, to be effective January 1, 2017 and January 1, 2108.

On July 27, 2016, the OEB issued Procedural Order No. 1 approving intervenor status for fifteen parties and also approving cost award eligibility for ten of those intervenors. Procedural Order No.1 also established the dates for filing of interrogatories and for Hydro One's reply to those interrogatories.

On August 31, 2016, Hydro One provided responses to the interrogatories and sought confidential treatment for a number of documents attached to eight of its interrogatory responses. On September 8, 2016 the OEB issued Procedural Order No. 2 establishing the procedures for submissions on Hydro One's request for confidentiality. After the steps outlined in Procedural Order No. 2 were completed, the OEB released its Decision on Confidentiality (Decision) on September 21, 2016. By email dated September 21, 2016 Hydro One advised the OEB of its intention to seek a review and variance of certain parts of the Decision. The OEB issued an Interim Order preserving the confidentiality of the information until such time as the review and variance request could be considered. The Decision was corrected on September 26, 2016 to address some formatting issues. On September 30, 2016 Hydro One filed its formal Motion to

Review and Vary the Decision to allow limited redactions of sensitive information from the Inergi Outsourcing Agreement (Inergi Agreement). A copy of the redacted document that Hydro One is proposing was provided to the OEB in electronic form saved on a USB drive. It has not yet been placed on the public record.

A technical conference was held on September 22 and 23, 2016. Following the technical conference, submissions were received on the OEB staff's draft proposed issues list and three motions were filed:

1. Hydro One motion to review and vary the Decision
2. School Energy Coalition (SEC) motion for full and adequate responses to interrogatories and technical conference questions
3. Environmental Defence (ED) motion for full and adequate interrogatory responses.

In this Procedural Order, the OEB will establish the approved Issues List for this proceeding, set out the process for the foregoing three motions, will address the filing of expert evidence by OEB staff and cost eligible intervenors.

### **Issues List**

On September 26, 2016 OEB staff advised the OEB that parties were unable to reach an agreement on a proposed issues list. Staff indicated that due to a full agenda in the technical conference, parties were unable to undertake a full discussion of the draft issues list. Staff informed the OEB that discussions were to take place in the week of September 26, 2016 and requested an extension for the filing of the proposed issues list until October 4, 2016. On September 27, 2016 the OEB extended the filing date until October 4, 2016. OEB staff filed the proposed issues list on that date.

Some parties filed submissions with the OEB on the draft proposed issues list as circulated by OEB staff.

- HQ Energy Marketing (HQEM) opposed the inclusion of Issue 29: "Is the Export Transmission Rate of \$1.85 and the resulting ETS revenues appropriate?"
- On September 29, 2016, Anwaatin Inc. (Anwaatin) proposed an additional issue; "Has Hydro One undertaken adequate outreach and consultation with Indigenous communities and groups and are its current processes and procedures sufficient to do so?" On September 30th Hydro One responded opposing the request. Anwaatin filed a response to Hydro One's submission on October 3, 2016.

OEB staff held a conference call on October 3, 2016 for the purpose of discussing the proposed issues list. Representatives from the Building Owners and Management Association, Greater Toronto (BOMA), the Association of Major Power Consumers in Ontario (AMPCO), HQEM, Hydro One, SEC and Anwaatin participated.

Regarding the export transmission rate issue, after some discussion, HQEM informed staff that it was content to have the issue remain on the list.

With respect to the issue proposed by Anwaatin, the parties were unable to reach agreement.

### **Findings**

The OEB reviewed the proposed issues list as filed by OEB staff on October 4, 2016 and approves that list with the revisions and additions described below.

#### **1) Issue #2 – Revenue Requirement**

The OEB finds that this issue should be broadened to ensure that all elements of the proposed 2017 and 2018 revenue requirements can be scrutinized. The issue shall be revised to read as follows;

“Are all elements of the proposed 2017 and 2018 revenue requirements and their associated total bill impacts reasonable?”

Within the ambit of this issue is the question of the appropriateness of the regulatory treatment that Hydro One is proposing for any transmission asset value changes and related income taxes resulting from the privatization of Hydro One. The OEB wishes to have this topic fully examined at the hearing and directs Hydro One to have one of its witness panels prepared to address this question.

#### **2) Issue #3 - Customer Engagement Activities**

The OEB finds that wording of the issue proposed by Anwaatin related to its concerns about Hydro One’s customer engagement activities is too broad in the context of this particular test period for a transmission revenue requirement proceeding.

The OEB expects that transmitters will initiate or continue customer engagement activities and provide a summary of those activities as part of their test period revenue requirement applications. The Transmission System Code (TSC) defines customer as a generator, consumer, distributor or unlicensed transmitter whose facilities are

connected to or are intended to be connected to the transmission system. The TSC requires some communications and discussions with customers related to matters such as regional planning, connection procedures, testing and inspections, system performance and outages.

The Filing Requirements for Transmitters (Filing Requirements) provide that an applicant should describe these and any other activities designed to engage all customers connected to the transmission system, including discussions related to investment planning and transmission rates and charges. Transmitters should specifically discuss how their customers were engaged in order to determine their needs, what their needs are, and how the application has responded to any identified needs. To clarify the intended purpose of evidence with respect to customer engagement in this case the OEB hereby adds an additional issue under the “General Heading” of the issues list as follows;

“Were Hydro One’s customer engagement activities sufficient to enable customer needs and preferences to be considered in the formulation of its proposed spending?”

This issue defines the intended purpose of the customer engagement activity with respect to the relief sought in this test period transmission revenue requirement proceeding. It also reflects the Filing Requirements and the TSC in that it pertains to all customers that will be impacted by Hydro One’s level of test period spending.

### 3) Productivity Improvement

The OEB has also determined that the issue of productivity improvement was not adequately reflected in the proposed list of issues. Therefore, the OEB will add another issue under the “Performance Scorecard” section (to be renamed “Productivity Improvement and Performance Scorecard”):

“Has Hydro One taken appropriate steps to identify and quantify productivity improvements in all areas of its transmission operations?”

### 4) Rate Base and Cost of Capital

To make sure that matters related to capital structure can be examined in this proceeding the OEB finds that proposed Issue 19 should be revised to read;

“Are the amounts proposed for rate base and capital structure in 2017 and 2018 reasonable?”

The approved issues list with the above additions and revisions is attached to this Procedural Order as Schedule A.

### **Motion to Review and Vary the Decision on Confidentiality**

In its Motion to Review and Vary, Hydro One indicated that it has had discussions with two intervenors in order to consider whether providing a copy of the Inergi Agreement with limited redactions is a workable solution to balance parties’ participatory interests with confidentiality concerns. As a result of these discussions, Hydro One provided to the OEB an electronic version of the redacted Inergi Agreement which has been saved on a USB drive. The redactions are in only three key areas:

- Information that is sensitive from a security viewpoint, as it includes information such as the location of servers (Security Information);
- Information about services specific to Hydro One’s distribution business, as it is beyond the scope of Hydro One’s current application (Distribution Business Information); and
- Information on unit pricing and information that can be used to derive unit pricing, as it harms Hydro One’s future negotiating position in respect of outsourcing agreements (Unit Pricing Information).

Hydro One believes the rationale for redacting the Security Information and the Distribution Business Information is self-explanatory. Disclosure of the Security Information could cause a great deal of harm, in comparison to its limited utility to participants or the Board in determining just and reasonable rates in this proceeding. The Distribution Business Information is irrelevant in determining just and reasonable transmission rates in this proceeding. Redactions concerning Unit Pricing Information have, to the greatest extent possible, been minimized. A description of all of the proposed redactions is attached to the Motion as Schedule 1.

### **Findings**

The OEB has reviewed the redactions and is inclined to vary the Decision to treat the limited number of redactions as confidential as proposed by Hydro One. However, the OEB will provide any parties that object to this proposal to state their rationale for such objections within the time limit set out in the Order below.

**Motions for full and adequate responses**

On September 28, 2016, SEC filed a Motion relating to refusals given at the technical conference and with respect to certain interrogatory responses. SEC requests an order requiring Hydro One to provide full and adequate responses to the following interrogatory and technical conference questions:

- 1) SEC Interrogatory #6 (Exhibit I/Tab6/Schedule 6) specifically, the production of the:
  - i) North American Transmission Forum (NATF) Hydro One Peer Review Report, and
  - ii) North American Transmission Forum (NATF) Transmission Reliability Report;
- 2) Hydro One's 2016 forecast ROE (a follow-up question to BOMA Interrogatory #30 (Exhibit I/Tab2/Schedule 30);
- 3) Hydro One Business Group Business Plans; (follow up to SEC Interrogatory #2 (Exhibit I/Tab6/Schedule 2)
- 4) OEB staff Interrogatory #28 (Exhibit I/Tab1/Schedule 28) and SEC Interrogatory #29 (Exhibit I/Tab6/Schedule 29), specifically individual asset replace vs. refurbish Asset Economic Assessment graphs for assets over \$20M; and
- 5) Production of two internal audit reports: (follow-up to AMPCO Interrogatory #1 (Exhibit I/Tab3/Schedule 1), specifically the:
  - i) Audit of Investment Planning #2014-29 (January 30, 2015); and
  - ii) Transmission Lines Preventive Maintenance Optimization #2015-33 (April 7, 2016)

ED filed a motion on September 29, 2016 requesting an order that Hydro One and/or the Independent Electricity System Operator (IESO) provide full and adequate responses to ED interrogatories 1-5 (Exhibit I/Tab5/Schedules 1 – 5).

**Findings**

The OEB has reviewed the interrogatory responses and technical conference information requests as outlined by SEC and ED. The OEB will provide for a submission on these motions by OEB staff, followed by a submission from Hydro One. SEC and ED will then be provided with the opportunity to reply to these submissions.

**OEB Staff and Intervenor Expert Evidence**

If either OEB staff or any cost eligible intervenor plans to file expert evidence in this proceeding, then the proponents of such evidence shall first file a letter with the OEB describing the nature of the evidence, whether the expert evidence will be commissioned jointly with other parties, how those customers represented by the intervenors are affected by the subject matter of the evidence, and the anticipated date for the filing of any such evidence. In addition, the expert's prior experience testifying on the subject before a regulator and the estimated cost should be included.

The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding, and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence.

After reviewing this material, the OEB will provide guidance on whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB's Practice Direction on Cost Awards.

The OEB sets out below a number of matters related to the proceeding but parties should note that the schedule may need to be adjusted subject to the OEB's consideration of any expert evidence proposals.

**IT IS THEREFORE ORDERED THAT:****Issues List**

1. The approved issues list for this proceeding is attached as Schedule A.

**Motion to Review and Vary**

2. Parties that wish to make submissions on the proposal from Hydro One regarding its Motion to Review and Vary should file these submissions with the OEB and serve them on all parties not later than October 14, 2016. The electronic version of the Inergi Agreement with the redactions saved on a USB drive shall be placed on the public record.
3. Hydro One may file its reply submission on the proposal if needed, no later than October 18, 2016.



**Motions for Full and Adequate Responses**

4. OEB staff may file any submission with respect to the Motions filed by the School Energy Coalition and Environmental Defence with the OEB and serve on all parties by October 18, 2016.
5. Hydro One shall file its submissions on the Motions filed by School Energy Coalition and Environmental Defence by October 21, 2016.
6. Environmental Defence and the School Energy Coalition may file their respective reply submissions by October 25, 2016.

**OEB staff and Intervenor Expert Evidence**

7. OEB staff and cost eligible intervenors who plan to file expert evidence shall inform the OEB of those plans no later than October 19, 2016 and provide estimated costs including assumptions regarding the participation of the expert in the proceeding and incremental time that will be spent by counsel for the proponents of such evidence and any other consultants in relation to the opinion testimony. The anticipated date for filing any expert evidence should also be noted. If the OEB determines that OEB staff and/or intervenor evidence is appropriate, the dates set below for the oral hearing may be amended.

**Oral Hearing**

8. The oral hearing for this proceeding will commence on Monday, October 31, 2016 and continue on November 3, November 4, November 7, November 8, November 24, November 25, November 28 and November 29 (as required).

All filings to the OEB must quote the file number, EB-2016-0160, 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.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, Harold Thiessen at [harold.thiessen@ontarioenergyboard.ca](mailto:harold.thiessen@ontarioenergyboard.ca) and OEB Counsel, Maureen Helt at [maureen.helt@ontarioenergyboard.ca](mailto:maureen.helt@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](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, October 12, 2016

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirstin Walli  
Board Secretary

**Schedule A**

**Hydro One Networks Inc.  
2017 and 2018 Transmission Cost of Service Application  
Board File Number EB-2016-0160**

**APPROVED ISSUES LIST**

**October 12, 2016**

**Hydro One Networks Inc.  
2017 and 2018 Transmission Cost of Service Application  
Board File Number EB-2016-0160**

**APPROVED ISSUES LIST  
October 12, 2016**

**A. GENERAL**

1. Has Hydro One responded appropriately to all relevant OEB directions from previous proceedings?
2. Are all elements of the proposed 2017 and 2018 revenue requirements and their associated total bill impacts reasonable?
3. Were Hydro One's customer engagement activities sufficient to enable customer needs and preferences to be considered in the formulation of its proposed spending?

**B. TRANSMISSION SYSTEM PLAN**

4. Does the Transmission System Plan adequately address customer needs and preferences?
5. Does Hydro One's investment planning process consider appropriate planning criteria? Does it adequately address the condition of the transmission system assets?
6. Are the proposed 2017 and 2018 Capital Expenditures for Sustainment, Development and Operations appropriate?
7. Do the proposed capital expenditures include the consideration of factors such as customer preferences, system reliability and asset condition?
8. Are the proposed 2017 and 2018 levels of Common Corporate capital expenditures appropriate?
9. Are the methodologies used to:
  - (i) allocate Common Corporate capital expenditures to the transmission business appropriate? and
  - (ii) to determine the transmission Overhead Capitalization Rate for 2017 and 2018 appropriate?
10. Is the benchmarking evidence adequate/sufficient and does it support the proposed Transmission System Plan and related cost forecasts?

**C. PRODUCTIVITY IMPROVEMENT AND PERFORMANCE SCORECARD**

11. Has Hydro One taken appropriate steps to identify and quantify productivity improvements in all areas of its transmission operations?
12. Are the metrics in the proposed scorecard appropriate and do they adequately reflect appropriate outcomes? Do the outcomes adequately reflect customer expectations?

**D. OPERATIONS MAINTENANCE & ADMINISTRATION COSTS**

13. Are the proposed spending levels for Sustainment, Development, Operations, and Customer Care OM&A in 2017 and 2018 appropriate, including consideration of factors such as system reliability and asset condition?
14. Do the proposed OM&A expenditures include the consideration of factors such as system reliability, asset condition and customer preferences?
15. Are the proposed spending levels for Common Corporate Services and Other O&M in 2017 and 2018 appropriate?
16. Are the 2017 and 2018 human resources related costs (wages, salaries, benefits, incentive payments, labour productivity and pension costs) including employee levels appropriate?
17. Has Hydro One demonstrated improvements in efficiency and value for dollar associated with its compensation costs?
18. Are the methodologies used to allocate Common Corporate Costs and Other OM&A costs to the transmission business for 2017 and 2018 appropriate?
19. Are the amounts proposed to be included in the 2017 and 2018 revenue requirements for income taxes appropriate?
20. Is Hydro One's proposed depreciation expense for 2017 and 2018 appropriate?

**E. RATE BASE & COST OF CAPITAL**

21. Are the amounts proposed for rate base and capital structure in 2017 and 2018 reasonable?
22. Are the inputs used to determine the working capital component of the rate base and the methodology used appropriate?

23. Are the proposed timing and methodology for determining the return on equity and short-term debt prior to the effective date of rates appropriate?

24. Is the forecast of long term debt for 2017 and 2018 appropriate?

#### **F. LOAD REVENUE FORECAST**

25. Is the load forecast methodology and the resulting load forecast appropriate?

26. Have the impacts of conservation and demand management initiatives been suitably reflected in the forecast?

27. Are Other Revenue (including export revenue) forecasts appropriate?

#### **G. DEFERRAL/VARIANCE ACCOUNTS**

28. Are the proposed amounts, disposition and continuance of Hydro One's existing deferral and variance accounts appropriate?

29. Are the proposed new deferral and variance accounts appropriate?

#### **H. COST ALLOCATION**

30. Is the transmission cost allocation proposed by Hydro One appropriate?

#### **I. EXPORT TRANSMISSION SERVICE RATES**

31. Is the Export Transmission Rate of \$1.85 and the resulting ETS revenues appropriate?



**TAB 4**







Lisa (Elisabeth) DeMarco  
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19 October 2016

**Kirsten Walli**  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Proposed Intervenor Evidence in EB-2016-0160**

We are counsel to Anwaatin Inc. (**Anwaatin**) in the above-mentioned proceeding (the **Proceeding**) and we provide this letter advising of Anwaatin's intent to file evidence in accordance with Procedural Order No. 3.

Anwaatin has intervened in the Proceeding on the instruction of its First Nations and Indigenous members. Anwaatin's members are customers of Hydro One Networks Inc. Transmission (**Hydro One**) and have many concerns and challenges associated with the reliability and service of Hydro One in the North and in Aboriginal territories. Anwaatin's Notice of Intervention, which is attached as Appendix A and was accepted by the Ontario Energy Board (the **Board**) and Hydro One, specifically sets out the concerns of Anwaatin's First Nations energy consumers in Ontario and their intent to ensure that Anwaatin's First Nations energy customers are better served through access to affordable, reliable, sustainable energy.

**Purpose, Intent and Impact of the Anwaatin Evidence**

Anwaatin intends to sponsor the evidence of Dr. Don Richardson (PhD) of Shared Value Solutions Ltd. in order to primarily address:

- (i) the significant transmission reliability issues that Indigenous and Northern customers are currently facing;
- (ii) the impact of Hydro One's current reliability performance on Indigenous and Northern customers; and
- (iii) the processes and measures that Hydro One historically has used, currently uses, and potentially should use, in order to ascertain and address the needs of its Indigenous and Northern customers on matters including, but not limited to, regional

planning, system performance, outages, investment planning and transmission rates and charges.

Anwaatin submits that Hydro One's Indigenous and Northern customers, as well as the Board, will benefit greatly from this direct evidence, which will give a voice to Indigenous customers in the North, allow their transmission concerns to be heard in accordance with their democratic, constitutional, and statutory rights, and hopefully facilitate cooperative solutions between Hydro One and its Indigenous and Northern customers.

### **Form of Anwaatin Evidence**

Dr. Richardson intends to provide written and direct video evidence. If the Board provides for oral testimony, the witness panel will consist of Dr. Don Richardson and former Grand Chief Larry Sault of the Association of Iroquois and Allied Indians. Anwaatin may also wish to video or Skype link one to three of the Chiefs, Band Council members, and administrators to speak to the reliability impact evidence. If circumstances permit, Anwaatin may wish to have one or more of these individuals attend and speak if the hearing process includes oral evidence.

### **Expertise**

Dr. Richardson's and former Grand Chief Sault's *curricula vitae* are attached at Appendix B. They each have direct knowledge of the energy conditions of Indigenous communities in the North and are therefore qualified to provide direct evidence. Dr. Richardson has over 25 years of experience as a skilled facilitator capable of building agreements between energy and resource development project proponents, community/non-governmental organizations, government agencies and Indigenous communities. Former Grand Chief Sault has over 25 years of dynamic leadership experience working with First Nations in Canada, Native American Tribes in the United States, Arctic Inuit, Maori of New Zealand and Aborigine of Australia, and has held key positions in political leadership, private sector corporations, and non-profit organizations. Dr. Richardson and former Grand Chief Sault have each provided direct written and oral evidence in the Ontario Energy Board EB-2016-0004 natural gas expansion proceeding.

Anwaatin has canvassed other intervenors on the potential for common issues and joint evidence, but at this time Anwaatin appears to represent a unique interest, which is not otherwise represented in the Proceeding.

### **Anticipated Filing Date**

Anwaatin anticipates that it will be in a position to file its evidence within 7-10 days after receipt of the Board's confirmation and direction that it will be admitted and cost eligible.

### **Cost Estimate**

Anwaatin very roughly estimates that the cost of the preparation of its written evidence will be in the range of \$17,000 to \$25,000 divided approximately 2/3 to 1/3 between Dr. Richardson and counsel. We would be happy to update this estimate should the Board provide for further processes or procedures related to intervenor evidence.

We note that counsel for Anwaatin has a client conflict on November 7 and 8 and may be unable to attend on those proposed hearing dates.

We trust that this satisfies the Board's requests set out in Procedural Order No. 3. Please do not hesitate to contact us should you have any questions.

Yours very truly,

A handwritten signature in black ink, consisting of a stylized 'L' followed by a long, sweeping horizontal stroke that ends in a small arrowhead.

Lisa (Elisabeth) DeMarco

# **APPENDIX A**



Lisa (Elisabeth) DeMarco  
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July 25, 2016

**Filed on RESS and Sent via Courier**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Hydro One Networks Inc. – Application for approval to increase transmission rates (2017 and 2018)**  
**Board File No. EB-2016-0160**

We are counsel to Anwaatin Inc. (**Anwaatin**). Please find enclosed Anwaatin's Notice of Intervention requesting late intervenor status and cost eligibility in the above-noted proceeding, one business day following the Board's prescribed deadline in the above mentioned matter. Anwaatin represents unique First Nations interests that are not otherwise represented in this matter. We therefore ask the Board's indulgence in accepting this late Notice of Intervention without the formality of a motion.

Yours very truly,

A handwritten signature in black ink, consisting of a stylized, flowing script that starts with a large loop and ends with a long, sweeping horizontal stroke.

Lisa (Elisabeth) DeMarco

Encl.

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15 (Schedule B) s. 78;

**AND IN THE MATTER OF** an application by Hydro One  
Networks Inc. for the relief necessary to increase transmission  
rates in 2017 and 2018.

**EB-2016-0160**

**NOTICE OF INTERVENTION**

**ANWAATIN INC.**

**July 25, 2016**

**A. Application for Intervenor Status After the Time Limit Directed by the Board**

1. Anwaatin Inc. (**Anwaatin**) hereby requests late intervenor status in the matter of Hydro One Network Inc.'s (**HONI**) application to increase transmission rates in 2017 and 2018, pursuant to Rule 22 of the Rules of Practice and Procedure of the Ontario Energy Board (the **Board**). Pursuant to Rule 22.05, this Notice of Intervention is filed one business day following the Board's prescribed deadline in the above-mentioned matter. Anwaatin represents unique First Nations interests that are not otherwise represented in this matter and therefore requests the Board's indulgence in accepting this late Notice of Intervention without the formality of a motion.

**B. Anwaatin and its Interest in the Proceeding**

2. Anwaatin is an indigenous business corporation that works with indigenous communities in linked energy markets that include Ontario, Quebec, California and Manitoba. Anwaatin's mission is to ensure that indigenous communities are front and centre in fighting climate change and leading emerging markets associated with climate change action. Its business focusses on (i) territorial climate change, (ii) readiness for emerging cap-and-trade markets, (iii) strengthening biodiversity and resilience in the face of climate change and (iv) creating partnerships to sell indigenous carbon offsets.
3. The member First Nations participating in Anwaatin in connection with this proceeding will be confirmed in short order.
4. HONI has applied to the Board to increase the cost of using its transmission system. If its application is approved, HONI has calculated that this will increase a typical residential customer's monthly bill by \$0.41 in 2017 and \$0.48 in 2018.
5. Anwaatin will provide the Board with the perspective of the disproportionate number of First Nations currently living in energy poverty in Ontario. It will also provide an understanding of the differential impact of electricity rates on remote and near-remote communities. To assist the Board in responding to these issues, Anwaatin will address the possibility of rate relief in the context of this proceeding and provide submissions on the potential implementation of the Government of Ontario's proposal to transfer equity ownership in Hydro One Limited to Ontario First Nations.



### **C. Nature and Scope of Anwaatin's Intended Participation**

6. Anwaatin intends to be an active participant in this proceeding, and will act responsibly to coordinate with other intervenors where common issues may arise and be otherwise addressed. Anwaatin intends to participate to request information, participate in any requisite motions, test evidence through the stipulated processes, submit written interrogatories and provide argument. Subject to the development of the record in this matter, Anwaatin may also submit evidence.

### **D. Costs**

7. In accordance with s. 3.03(b) of the Board's Practice Direction on Cost Awards, Anwaatin is eligible to seek an award of costs as Anwaatin is a party that primarily represents an interest or policy perspective relevant to the Board's mandate and to the proceeding.
8. Anwaatin represents the interests of First Nations energy consumers in Ontario and is committed to ensuring that they served through access to affordable, reliable, sustainable and modern energy. Anwaatin should be awarded costs in this proceeding because its comments will serve an interest and policy perspective relevant to the Board's mandate.
9. Anwaatin submits that it is appropriate for the Board to award Anwaatin costs in the context of this proceeding, and hereby requests cost eligibility.

### **E. Anwaatin's Representatives**

10. If Anwaatin is granted intervenor status by the Board, Anwaatin requests that further communications with respect to this proceeding be sent to the following:

#### **Anwaatin Inc.**

c/o Mississaugas of the New Credit First Nation  
3034 Mississauga Road, RR#6  
Hagersville, Ontario N0A 1H0

Attention: Larry Sault, CEO  
Telephone: 416-675-3226 x 311  
Facsimile: 226-314-2100  
Email: [larry@anwaatin.com](mailto:larry@anwaatin.com)

AND TO ITS CONSULTANT

**Shared Value Solutions Ltd.**

Attention: Don Richardson, Managing Partner  
Telephone: 226-706-8888 x 101  
Facsimile: 226-314-1200  
Email: [don.richardson@sharedvaluesolutions.com](mailto:don.richardson@sharedvaluesolutions.com)

AND TO ITS COUNSEL

**DeMarco Allan LLP**

5 Hazelton Avenue  
Suite 200  
Toronto, ON M5R 2E1

Attention: Lisa (Elisabeth) DeMarco  
Telephone: 647-991-1190  
Facsimile: 1-888-734-9459  
Email: [lisa@demarcoallan.com](mailto:lisa@demarcoallan.com)

Attention: Cary Ferguson  
Tel: 1-888-389-5798  
Facsimile: 1-888-734-9459  
Email: [cary@demarcoallan.com](mailto:cary@demarcoallan.com)

ALL OF WHICH IS RESPECTFULLY  
SUBMITTED THIS  
25th day of July, 2016

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a long, sweeping horizontal stroke that ends in a small arrowhead.

---

Lisa (Elisabeth) DeMarco  
DeMarco Allan LLP  
Counsel for Anwaatin

## **APPENDIX B**

**Donald R. Richardson, PhD**  
**Managing Partner, Shared Value Solutions Ltd.**

**Professional History**

**06/2012 – present**, Shared Value Solutions, Managing Partner  
**09/2004 – 06/2012**, AECOM, Global Practice Leader – Socio-economics & Communications, National Leader – Indigenous Business Development  
**2001 - 2004**, Stantec Consulting Ltd., Senior Community Infrastructure and Project Development Specialist  
**1998 - 2001**, TeleCommons Development Group, Director  
**1994 - 2000**, University of Guelph, Associate Graduate Professor (part-time), Faculty of Environmental Design and Rural Development  
**1987 - 1994**, University of Guelph, McMaster University and Wilfred Laurier University, Sessional Lecturer

**Education**

PhD, Industrial Sociology, McMaster University  
MA, Communications and Sociology, University of Guelph  
BA, Sociology, University of Guelph  
Diploma, Business and Marketing, Lambton College

**Awards**

**Award of Merit** – Consulting Engineers of Ontario: Aboriginal Traditional Ecological Knowledge Study  
**Brownie Award** – Canadian Urban Institute: Stelco Swansea Works Remediation & Residential Rebuild

**Years of Experience**

25



**Overview**

Don Richardson has over 25 years of experience as a skilled facilitator supporting project implementation, impact assessments and building agreements between energy, infrastructure and resource management project proponents, community/non-governmental organizations, government agencies and rural/Indigenous communities. He fosters constructive engagement to create “shared value”

between communities and infrastructure proponents.

Don currently manages stakeholder and government relations on several large scale environmental and infrastructure development projects. He is a recipient of the Canadian Urban Institute's Brownie Award recognizing outstanding achievement in building and maintaining effective working partnerships with professionals, the local community and others involved in Brownfields redevelopment, and a Consulting Engineers of Ontario, Canada Award for Indigenous Traditional Knowledge achievements.

**Specialties**

Collaborative energy and infrastructure project management, environmental assessment, major project impact assessment, cumulative impact assessment, consultation, communication, facilitation, mediation, negotiation, environmental enhancement programs, natural resource management, and participatory communications.

### **Selected Global and Canadian Experience**

**Northand Power** – Northern Ontario Power Generation Business Coordinator. Assistance in establishing joint-venture partnership among several entities including municipalities and several Anishnabwe First Nations for a proposed gas-fired power generating station in northern Ontario. [2014 – Present]

**Anwaatin Inc.** – Technical advisor for Indigenous low-carbon energy business development and Indigenous carbon offset projects. [Present]

**Walker Industries and Anwaatin.** Siting process for establishing a proposed commercial-scale biosolids-to-fertilizer and biomethane-to-pipeline-grid facility on First Nation owned lands in Ontario. [Present]

**Multiple Northern Ontario First Nations** – Feasibility study for extending natural gas infrastructure to communities adjacent to the TransCanada Mainline natural gas pipeline. [Present]

**Matawa First Nations – Ring of Fire Mining Initiatives.** Strategic regional and community infrastructure advisor for focused on rail, road, transmission telecommunication and water management infrastructure. [2011 – Present]

**Aroland First Nation** – Project coordinator for regional transmission line project development initiatives, including regional transmission and transmission line planning for the Ring of Fire mining development and connections to remote first Nations [2013 – Present]

**Saugeen Ojibway Nation** – Environmental Communications Capacity Building Advisor. Assistance in establishing a communications unit to enhance community engagement and informed community decision-making with respect to the proposed Deep Geological Repository for Low and Intermediate Level Nuclear Waste at the Bruce Nuclear Site. [2014 – Present]

**Aroland First Nation.** Strategic Advisor. Assistance to develop approaches to major infrastructure, mining, power, rail, road and land use projects that integrate indigenous First Nation values, environmental considerations and cultural heritage contributions. Includes liaison with major mining companies, CN Rail, TransCanada Pipelines, Cliffs Natural Resources, the IESO and several other entities with projects, operations and interests in the traditional territory of the First Nation. Work also includes coordinating First Nation led environmental assessments and risk assessments of contaminated sites to be incorporated within reserve lands. [2011 – Present]

**Aroland First Nation.** Project Director. IESO-funded Community Energy Plan project to provide the First Nation with a strategic sustainable energy plan [2015-2016]

**Mississaugas of the New Credit First Nation.** Strategic Advisor. Assistance to develop approaches to major Greater Toronto Area, Canada infrastructure projects that integrate indigenous values, environmental considerations and cultural heritage contributions. Work has included review and impact benefit agreement coordination with the proposed 1,000 kV ITC Lake Erie transmission line from Nanticoke to Pennsylvania, successfully positioning the First Nation as *the* Host First Nation for the 2015 Pan Am Games, and economic development relationship building with OPG and regional pipeline operators [2012 – 2016].

**Bamkushwada-Great Lakes Power Transmission.** Environmental Assessment Advisor. Working directly with joint venture partners, Brookfield Power, HydroOne Networks and six indigenous rural First Nation business partners involved in the proposed East-West Tie Transmission project along the north of Lake Superior, provided detailed work plan and budgeting support to the joint venture. [2011 – 2014]

**Indigenous Aboriginal Community Energy Planning Program Development;** Ontario Power Authority. Strategic Advisor. Assistance to develop a new funding program to provide indigenous rural

First Nation and Métis communities across Ontario with resources to undertake Community Energy Planning. [2010 – 2012]

**Canadian Environmental Assessment Agency.** Co-author. Guidance report on ways and means to improve the integration of indigenous Aboriginal Traditional Knowledge as part of federal Environmental Assessments. [2014]

**Brookfield Power** – First Nation Business Coordinator. Assistance in establishing joint-venture partnerships among several Anishnabwe First Nations for transmission line projects in northern Ontario. [2014]

**Cumulative Effects Management Association (CEMA).** Strategic Advisor. Project to identify practical paths forward for the integration of Indigenous traditional knowledge within oil sands mine closure and rehabilitation. (CEMA) is the leading multi-stakeholder group operating in the heart of Canada's Boreal Forest – the Regional Municipality of Wood Buffalo, Alberta. CEMA is comprised of more than 50 members who sit on one of four caucuses: Indigenous, Government, Non-Government Organizations and Industry. CEMA is a key advisor to the provincial and federal governments committed to respectful, inclusive dialogue to make recommendations to manage the cumulative environmental effects of regional development on air, land, water and biodiversity. [2014 – 2015]

**Technical Review of Environmental Assessments Detour Lake Gold Mine Project Coral Rapids Power L.L.P, (representing Taykwa Tagamou First Nation).** Strategic advisor for reviews of technical aspects and Aboriginal consultation for two provincial EAs and a federal Comprehensive Study EA for the proposed Detour Lake gold mine project. [2010 – 2011]

**Ontario Power Generation, Deep Geological Repository for Low/Intermediate Level Nuclear Waste, Public Consultation Program, Canada.** Project manager for public consultation and Indigenous community impact assessment components for the environmental assessment for Canada's first deep geological repository for nuclear waste. [2007 – 2013]

**Walpole Island First Nation Community, Peer Review - Proposed Shell Canada Refinery Expansion, Sarnia, Ontario.** Project manager working closely with First Nation technical staff, community elders, clan mothers and band councillors, facilitated the technical review and socio-economic impact assessment review of a proposed \$10 billion, 200,000 barrel per day heavy oil refinery on the St. Clair River. [2007 - 2008]

**Windsor Essex Parkway – Province of Ontario.** Strategic advisor for community communications and Indigenous consultation for the Windsor Essex Parkway engineering, design and construction, reporting to Province of Ontario. [2011 – 2013]

**Flin Flon & Creighton Education Outreach Campaign for HudBay Minerals -** Strategic Advisor overseeing the design and implementation of a community outreach campaign to educate residents of the Flin Flon area about ways to reduce exposure to lead in relation to human health risks. [2010-2013]

**Nuclear Waste Management Organization, Community Well-being Support.** Stakeholder engagement specialist providing expert guidance to the Nuclear Waste Management Organization on community well-being and stakeholder and indigenous Aboriginal engagement aspects of site selection for a deep geological repository for used nuclear fuel in Canada. [2008 to 2013]

**GE Canada, Environmental Programs - Community Relations Programs for Legacy Industrial Sites, Ontario.** Implementing four stakeholder relations and communication management programs to manage issues associated with remedial activities for contaminated industrial sites, including First Nation engagement. [2005 - Present]

**Walker Industries Southwestern Landfill Environmental Assessment, Oxford County, Ontario.**

Public consultation and communication coordinator responsible for planning and implementation of an extensive public consultation program to enable stakeholders and First Nation partners to actively participate in the planning and execution of an Individual environmental assessment for an industrial, commercial and institutional Ontario, Canada landfill. [2012 – Present]

**Gabriel Resources and Rosia Montana Gold Corporation, Environmental Assessment, Romania.**

Provided planning and strategic support for an extensive public and Indigenous Roma consultation program for the strategic environmental assessment for what may become one of the world's largest gold and silver mining operations. [2002 - 2004]

**Global Environment Facility, Meso-American Barrier Reef System - Environmental Monitoring and Information System.**

Facilitated a multi-stakeholder program for the design and implementation of a distributed electronic information system for government and local/Indigenous partners from Belize, Guatemala, Honduras, and Mexico who are collaborating in the protection of the ecologically unique and vulnerable marine ecosystems of the western Caribbean. [2003 - 2004]

**Environmental Monitoring Information Network (EMIN), Governance Component, Bangladesh.**

Provided advice and assistance on mechanisms and processes for achieving multi-stakeholder governance of the Network, including representation from indigenous peoples' organizations. The purpose of EMIN is to implement an information network to facilitate the planning and management of water and land resources as it relates to flood and erosion monitoring among national stakeholders and relevant agencies in the Brahmaputra-Jumuna Rivers region of Bangladesh. [2001 - 2003]

**Keewaytinook Okimakanak First Nations, Aboriginal Smart Community Project Planning and Evaluation Component, Northwestern Ontario.**

Worked with First Nation community leaders in six Keewaytinook Okimakanak First Nations communities for this \$10 million Smart Community Project. Activities incorporated participatory exercises that enable local residents to envision the integration of telecommunication systems, applications and related energy infrastructure within their communities, together with assistance in developing and implementing the monitoring and evaluation program for the community initiatives. [1999 - 2004]

**Industry Canada, Smart Communities Engagement Best Practices, Nationwide.** Project team leader for a cross-Canada fact-finding and analysis of community experiences, particularly among rural and Indigenous communities, to yield five community engagement best practices with concrete examples. [2002 - 2003]

**Industry Canada, Smart Communities Performance Measurement and Sustainability, Nationwide.**

Researcher and co-author for a cross-Canada fact-finding and analysis of community networking experiences, particularly among rural and indigenous communities, to yield a series of sustainability and performance measurement best practices with concrete examples. [2002 - 2003]

**Caribbean Telecommunication Union, International Telecommunication Union, United Nations Educational, Scientific and Cultural Organization, Caribbean Development Bank, Canadian International Development Agency, Multi-stakeholder Collaboration to Enhance Rural and Remote Telecommunications, Caribbean.** Planned and facilitated multi-stakeholder workshops for cross-Caribbean stakeholders: government, regulators, telecommunication operators, Indigenous communities, and rural community leaders. [2003]

**Social Action Program Communication, Pakistan.** Planned and facilitated multi-stakeholder planning for public-private district and provincial infrastructure and service delivery in Punjab, Sindh and Balochistan provinces. Focused on enabling partner organizations and indigenous peoples' organizations to develop a comprehensive results-based management plan and evaluation framework for this project. [1998 - 2002]



**Government of Egypt and Food and Agriculture Organization of the United Nations, Rural Development and Agricultural Communication System, Egypt.** Worked with Egyptian counterparts to develop and implement a program framework for the establishment and evaluation of a stakeholder driven Internet-based communication network that improves linkages between agricultural extension and research systems and rural community members. The project evolved from a four site pilot project to a fifty site program funded entirely by the government of Egypt and continues to generate significant improvements to the lives of rural community members across the country. [1998 - 2002]

**Canadian International Development Agency, Institutional Support to the Development Support Communication Centre, Dikirnis, Nile Delta, Egypt.** Responsible for enabling a government facility to transform itself for public-private service provision. Work included developing business planning, marketing and sales processes, facilitating and coordinating joint work plans to strengthen rural community development and agricultural communication, designing monitoring and evaluation frameworks, training program development, gender mainstreaming for agricultural services, introduction of improved electricity, water/irrigation and telecommunication and Internet services for the agricultural extension system, and the establishment of new decentralized, fee-for-service Rural Extension Units to provide more responsive extension services to small farmers across Egypt. The project enabled the Ministry of Agriculture to establish a physical hub in the Nile Delta to support the transition of Egypt's agricultural system from a state-controlled system to a market-based system. [1995 - 2001]

**Grameen Bank / Grameen Phone, Bangladesh:** Multi-Media Research and Evaluation - Project Director (1999). In partnership with Grameen Telecom, conducted a multi-media evaluation and case study of telephone demand in rural villages of Bangladesh, focusing on the impact of phone use on agricultural marketing, agricultural extension, poverty reduction and analysis of phone usage patterns.

**SR Telecom, Ghana:** Environmental Assessment and Rapid Market Appraisal /Demand Analysis for rural telephone system in Northern Ghana - Project Team Leader (1998-99). Coordinated a detailed environmental assessment, infrastructure assessment and socio-economic business planning study for a private sector telecom provider for demand-based telecommunication service among rural and agricultural stakeholders in Northern Ghana. The study included power infrastructure inventory and assessment, plus focus groups and survey interviews in 64 villages, together with meetings with village chiefs and key rural and agricultural leaders.

**SR Telecom, Multiple Projects, Chile, Haiti, Ghana, and the Philippines.** Co-ordinated a corporate strategic program to assist in the implementation and management of telecommunication infrastructure development projects in rural areas. Work included producing detailed socio-economic business plans, coordinating village-based market research programs, producing environmental impact assessments, conducting power infrastructure assessments, and developing strategic approaches to dovetailing telecommunication infrastructure with in-country programs for environment, health, agriculture, Indigenous community wellbeing, and socio-economic development. [1997 - 2000]

**International Development Research Centre and International Fund for Agricultural Development, Rural Electronic Networking, Asia-Pacific.** Managed multi-stakeholder communication and rural community development needs assessment, planning and development of evaluation frameworks for an eight country Asia-Pacific electronic networking project to enable rural and agricultural development projects to combine Internet connectivity with traditional communication media and outreach activities. Specific support for enabling rural development stakeholders to develop and evaluate practical telecommunications infrastructure and applications in the Philippines, Sri Lanka and Nepal, India. [1998 - 2001]

**Community Basic Infrastructure Development, Various Locations.** Provided multi-stakeholder communication and rural community development needs assessments, program planning and project

implementation for a variety of clients. Work included projects for clients such as the World Bank, Industry Canada, Rotary International, UK Department for International Development and UN agencies in Bangladesh, Belize, Bolivia, Cameroon, Canada, Colombia, Guatemala, Honduras, India, Italy, Nepal, Pakistan, South Africa, Sri Lanka, Tanzania, Thailand, Uganda, and the United States. [1993 - 2002]

**Confidential Client, Waste Management Facility Site Selection, Ontario.** Strategic advisor for a comprehensive analysis of stakeholder and political contexts for the siting of two major waste management “campus” facilities in Ontario, Canada. [2008 to 2011]

**Environmental Assessment Guide - Métis Nation of Ontario.** Co-author and Reviewer. Developed a guide on the environmental assessment processes for use by Métis Nation of Ontario (MNO) staff and Community Council leaders. [2009 – 2010]

**Walker Industries Atlas Landfill Remediation Project, Welland, Ontario.** Strategic advisor responsible for overseeing engagement of area residents, indigenous Aboriginal communities and government agency technical staff in shaping plans for the remediation and reopening of an abandoned industrial landfill on the banks of the Welland River. [2009 - 2010]

**Walker Industries Niagara Falls Landfill Expansion Environmental Assessment, Niagara Region, Ontario.** Public consultation and communication coordinator responsible for planning and implementation of an extensive public consultation program to enable stakeholders and Indigenous communities to actively participate in the planning and execution of a comprehensive environmental assessment for one of the largest private sector landfill expansions in Ontario. The project received provincial, regional and municipal approval with no objections from area stakeholders. [2002 – 2009]

**Walpole Island First Nation Community, Peer Review - Proposed Shell Canada Refinery Expansion, Sarnia, Ontario.** Project manager working closely with First Nation technical staff, indigenous community elders, clan mothers and band councillors, facilitated the technical review and socio-economic impact assessment review of a proposed \$10 billion, 200,000 barrel per day heavy oil refinery on the St. Clair River. [2007 - 2008]

**District of Greater Sudbury, Soils Study, Sudbury, Ontario.** Planned and implemented a public consultation program for the largest human health and ecological risk assessment in Canada related to historic smelting operations. Work included multi-stakeholder planning to design the engagement of First Nations communities in the scientific fieldwork and results analysis. [2003 - 2009]

**Government of Hong Kong, Kowloon Bay Waste Transfer Facility Environmental Assessment, Hong Kong.** Project director for strategic planning and community stakeholder relations advice for the environmental assessment of a major waste transfer and waste diversion facility. [2008]

**Shell Canada, Sarnia Refinery, Effluent Management Plan Review, Multiple Locations.** Project manager for an internal multi-stakeholder review of the oil refinery's effluent management system and proposals for system upgrades. Work included significant attention to the stated requirements of external stakeholders: indigenous First Nations, communities in Michigan, and regulatory authorities. [2007]

**Nuclear Waste Management Organization, Assessment of Benefits, Risks and Costs for Long Term Management Approaches for Used Nuclear Fuel: Community Well-being and Stakeholder Engagement Issues, Canada.** Compared several Canadian economic regions with respect to community capacity to engage in complex social, economic and environmental planning processes. Report included recommendations for capacity building for equitable, transparent and meaningful stakeholder engagement, particularly with respect to poorer economic regions and economic regions with significant First Nations populations. [2004 - 2005]

## **Larry Sault**

Larry Sault brings over 25 years of dynamic leadership of working with First Nations in Canada, Native American Tribes in the United States, Arctic Inuit, Maori of New Zealand and Aborigine of Australia. He has held key positions in political leadership, private sector corporations and non-profit organizations.

In 1985 Larry was appointed to a committee whose mandate was to negotiate and establish a drug and alcohol treatment center within his community of the Mississaugas of New Credit. Successful negotiations saw him elected to his First Nation Council in 1987.

In 1993, Larry was elected Chief. Throughout his four year tenure, together with his council colleagues, he accomplished numerous community development projects, including negotiating and settling a \$13 million land claim, construction of a new Elementary school, water and sewer, industrial building and commercial plaza, negotiated and situated the first fully automated CIBC branch bank and ATM on reserve. He worked closely with his administration to enhance programs and services conducive to their community needs. Simultaneously, he was appointed by the Federal Government and the Assembly of First Nations to Chairman of National Task Force on Access to Capital for First Nations.

In 1998 Larry received an appointment to Vice President, CESO Aboriginal Services with oversight of seven regional offices, budgets, staff and a mandate of assisting First Nations across Canada in developmental stages of economic growth and governance within their community.

In June of 1999 at the request of First Nation leaders in Southwestern Ontario, he put his name forward and was elected Grand Chief of the Association of Iroquois and Allied Indians. This position would find him intimately involved Chiefs of Ontario, Grand Council Treaty 3, Union of Ontario Indians, NAN, the Independent First Nations and the National Assembly of First Nations.

By 2002 he was recruited and appointed as Senior Vice President, Native American Division of First American Capital Management in Southern California

where his role included Investment Advisory Services to Native American Gaming Industry.

After moving back to his home on the Mississaugas of New Credit First Nation in 2013 he was elected back onto Council until December of 2015 during which time he consumed much of his time on wealth creation and economic and business development.

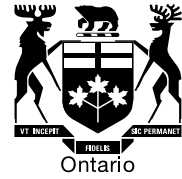
Today, Larry Sault is President and CEO of Anwaatin Inc., an Indigenous business focused on territorial climate action, Indigenous community and business readiness for emerging Cap and Trade markets, strengthening biodiversity and resilience in the face of climate change, partnerships to create Indigenous carbon offsets to sell competitively on Cap and Trade markets, and low-carbon Indigenous energy generation and energy efficiency projects.

He is co-author of the book, “The Lie that Bind’s” and co-founder of a non-profit organization dedicated to healing the wounds of sexual abuse and domestic violence.



**TAB 5**





**EB-2016-0160**

## **Hydro One Networks Inc. Transmission**

### **Application for electricity transmission revenue requirement and related changes to the Uniform Transmission Rates beginning January 1, 2017 and January 1, 2018**

#### **DECISION and PROCEDURAL ORDER NO. 4 October 28, 2016**

Hydro One Networks Inc. (Hydro One) filed a cost of service application with the Ontario Energy Board (OEB) on May 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 transmission revenue requirement and to the Ontario Uniform Transmission Rates, to be effective January 1, 2017 and January 1, 2018.

On July 27, 2016, the OEB issued Procedural Order No. 1 approving intervenor status for fifteen parties and also approving cost award eligibility for ten of those intervenors. Procedural Order No.1 also established the dates for filing of interrogatories and for Hydro One's reply to those interrogatories.

On August 31, 2016, Hydro One provided responses to the interrogatories and sought confidential treatment for a number of documents attached to eight of its interrogatory responses. On September 8, 2016 the OEB issued Procedural Order No. 2 establishing the process for submissions on Hydro One's request for confidentiality. After the steps outlined in Procedural Order No. 2 were completed, the OEB released its Decision on Confidentiality (Decision) on September 21, 2016.

By email dated September 21, 2016 Hydro One advised the OEB of its intention to seek a review and variance of certain parts of the Decision. The OEB issued an Interim Order preserving the confidentiality of the information until such time as the review and variance request could be considered.



A technical conference was held on September 22 and 23, 2016. Following the technical conference, submissions were received on OEB staff's draft proposed issues list and two additional motions were filed:

1. School Energy Coalition (SEC) motion, dated September 28, 2016, for full and adequate responses to interrogatories and technical conference questions.
2. Environmental Defence (ED) motion, dated September 29, 2016, for full and adequate interrogatory responses.

On September 30, 2016 Hydro One filed its formal Motion to Review and Vary. The relief now requested was narrower in scope than that initially sought. Hydro One is now seeking confidentiality protection for limited redactions of sensitive information from the Inergi Outsourcing Agreement (Inergi Agreement).

On October 12, 2016 the OEB issued its Decision on the Issues List and Procedural Order No. 3. The OEB approved the Issues List for this proceeding, set out the process for the foregoing three Motions and called for advance notice from OEB staff and any cost eligible intervenors proposing to file expert evidence in this proceeding to “inform the OEB of those plans . . . and provide estimated costs including the participation of the expert in the proceeding and the incremental time that will be spent by counsel for the proponents of such evidence . . . in relation to the opinion testimony.”<sup>1</sup> The stated purpose for this material was to enable the OEB “to provide guidance on whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB’s Practice Direction on Cost Awards.

This Decision and Procedural Order provides the OEB’s decision and direction with respect to the three motions noted above and the filing of evidence by the two intervenors who provided evidence outlines in accordance with paragraph 7 of Procedural Order No 3.

## **Motion to Review and Vary Decision on Confidentiality**

In Procedural Order No. 3 the OEB indicated that it had reviewed the limited redactions that Hydro One had made to the copy of the Inergi Agreement now filed on the public record and stated that it was inclined to vary the Decision on Confidentiality to treat these redactions as confidential. However, the OEB did provide for any parties that

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<sup>1</sup> Procedural Order No. 3, October 12, 2016, paragraph 7.

object to this proposal to state their rationale for such objections. OEB staff and SEC filed responses indicating they had no objections to the Hydro One proposal.

### **Finding**

The OEB is satisfied that Hydro One's proposal to limit the redactions in the Inergi Agreement is in accordance with the OEB's Practice Direction on Confidential Filings and grants the relief requested by Hydro One in its formal Motion to Review and Vary dated September 30, 2016. Confidentiality protection is hereby granted for the redactions in the Inergi Agreement now filed on the public record.

## **Cost Award Coverage for Intervenor Evidence Proposals**

### **Intervenor Evidence Proposals**

Two intervenors, ED and Anwaatin, responded to paragraph 7 of Procedural Order No. 3 with letters, dated October 19, 2016, outlining the expert evidence that they wish to provide in this proceeding. These evidence proposals, summarized below, lead to the formulation of the OEB's guidance and directives on the scope of the proposed evidence that will be eligible for cost award coverage under the auspices of the OEB's Practice Direction.

### **ED's Evidence Proposal**

The October 19, 2016 letter filed on behalf of ED (ED Letter) outlines the evidence that it plans to adduce from Travis Lusney, a director of Power Advisory LLC and a Professional engineer with 10 years of experience in the commercial and regulated areas of the electricity sector. The ED Letter indicates that Mr. Lusney was retained as a result of Hydro One's failure to provide full responses to ED's information requests pertaining to its transmission losses and that the focus of his testimony will relate to the topic of these losses. ED's evidence proposal does not identify the particular issues listed for determination in this proceeding to which this topic has relevance.

The evidence will contain "background information" including "examples of how transmission losses are regulated in other jurisdictions and managed by other transmission companies." The evidence will include "recommendations regarding potential procedures and criteria" that the OEB could direct Hydro One to follow "to ensure that transmission losses are adequately addressed in its operational decision – making and investment planning,".

These recommendations will be “high level” and Mr. Lusney “will not delve into the details of Hydro One’s transmission system, recommend that specific capital investments be made or address other similar issues at that level of granularity.”

While Mr. Lusney’s curriculum vitae (CV) indicates that he is an experienced consultant, there appears to be little, if anything, therein to indicate that he has any special expertise related to the monitoring, management and reduction of transmission line losses. It appears that the evidence that he will be preparing is in the nature of a “concepts” presentation derived from information available from third party published sources rather than his own expert opinion evidence on matters relating to transmission losses. The stated purpose for this “concepts” presentation is to assist the OEB in considering the degree and nature of transmission loss management it should require of Hydro One”.

ED provides reasonably detailed time estimates to suggest that, at a rate of \$230 per hour, Mr. Lusney’s involvement in the proceeding will cost up to about \$7,400 and add about \$2,100 of incremental costs for ED counsel, all excluding HST.

### **Anwaatin’s Evidence Proposal**

In its July 25, 2016 Notice of Intervention in this proceeding, Anwaatin states that it is “ an indigenous business corporation that works with indigenous communities in linked energy markets that include Ontario, Quebec, California, and Manitoba”. In the October 19, 2016 letter to the OEB outlining its proposed evidence (Anwaatin Letter), Anwaatin states that it has intervened in these proceedings on the instruction of its First Nations and Indigenous members who are customers of Hydro One Transmission.

The Anwaatin Letter indicates that it plans to adduce evidence from a witness panel consisting of Anwaatin’s CEO, Mr. Larry Sault, up to 3 Chiefs, Band Council members or administrators from Anwaatin members who are customers of Hydro One Transmission, and Dr. Don Richardson (PhD) of Shared Value Solutions Ltd. The plan is for Dr. Richardson to prepare written and video evidence to primarily address the transmission reliability issues and their impacts currently facing Indigenous and Northern customers and matters related to Hydro One’s processes and measures, to ascertain and address matters such as regional planning, system performance, outages, investment planning and transmission rates and charges.

Dr. Richardson’s CV is attached to the Anwaatin Letter. While Dr. Richardson is an experienced consultant, there is little, if anything, in his CV to establish that he has any special expertise related transmission system reliability issues. Like the ED Letter, the

Anwaatin Letter does not identify the specific issues in the list of the OEB approved Issues to be determined in this proceeding to which these topics relate.

Without providing any supporting details, the Anwaatin Letter estimates that the incremental costs associated with the preparation of the written and video evidence will be up to \$25,000. No cost estimates are provided for tasks related to this evidence beyond its preparation. The \$25,000 estimate is substantially greater than ED's incremental cost estimate of up to a total \$9,500 for Mr. Lusney's entire involvement as a witness in this proceeding.

### **OEB's Guidance to ED and Anwaatin**

The OEB is interested in the transmission losses and transmission system reliability issues as well as the processes and measures to ascertain and address these issues on which ED and Anwaatin are planning to adduce evidence; but only to the extent that those topics relate to the particular issues that the OEB has listed for determination in this 2016 and 2017 Hydro One Transmission revenue requirement proceeding.

The OEB views matters related to historic and prospective transmission line losses as a component of productivity improvement which is Issue 11 on the approved Issues List.

To the OEB, evidence concerning historic and prospective transmission system reliability is relevant; provided its focus is limited to matters related to the Scorecard, being Issue 12 on the OEB's approved list.

The customer engagement process and measures that falls within the ambit of Issue 3 on the OEB approved list is limited to the activities in which Hydro One engaged to enable customer preferences and needs be considered in relation to the revenue requirement relief for the 2016 and 2017 test period being requested in this case.

The OEB both cautions and directs ED and Anwaatin to focus on and confine the evidence that they propose to adduce in this proceeding so as to tie the evidence to these particular issues. Time spent with respect to the preparation and presentation of evidence that falls outside the ambit of these particular issues will not be eligible for cost award coverage.

The OEB is not persuaded that the type of information that ED and Anwaatin propose to present lends itself to any particular expertise possessed by Mr. Lusney or Dr. Richardson. The OEB does not accept either of these witnesses as experts in matters related to transmission losses or system reliability. The OEB does recognize that these

witnesses are experienced consultants and allows and directs each of them to prepare and present evidence that identifies all of the third party information on which they rely to support the recommendations that they invite the OEB to consider when determining the productivity improvement, scorecard and customer engagement issues in this case.

Fairness considerations call for this evidence to be available to Hydro One's witnesses before they testify. Hydro One's witnesses should have the opportunity to comment on the recommendations made by the ED and Anwaatin witnesses when they testify. Similarly, Hydro One's counsel should have the opportunity to test these recommendations in cross examination before the OEB determines the productivity, scorecard and customer engagement issues.

As long as their evidence is appropriately focussed on these particular issues, there will be cost award coverage for reasonable costs incurred by ED and Anwaatin for the consulting services provided by Mr. Lusney and Dr. Richardson. Mr. Sault, who is the CEO of Anwaatin, is not eligible for cost award coverage under the auspices of the OEB's Practice Direction.

The OEB will amend the hearing schedule outlined in Procedural Order No. 3 as set out below, to allow for the filing of evidence by ED and Anwaatin in accordance with guidance provided in this procedural order. Any parties wishing to pose interrogatories to ED and Anwaatin on their evidence may do so in accordance with the schedule established below. ED and Anwaatin will respond by the deadline specified in that schedule.

## **SEC and ED Motions**

The OEB will make a determination on these motions separately and will provide its decision in due course.

## **IT IS THEREFORE ORDERED THAT:**

### **Intervenor Evidence**

1. ED and Anwaatin shall file their evidence no later than November 9, 2016.
2. Hydro One, OEB staff and intervenors may file written questions on the evidence filed with the OEB and served on all parties, no later than November 15, 2016.

3. ED and Anwaatin shall file responses to those interrogatories with the OEB and all parties no later than November 21, 2016.

### Oral Hearing

4. The oral hearing for this proceeding will commence on Thursday, November 24, 2016 and continue on November 25, November 28, November 29, December 1, December 2, December 5, December 6, December 8, December 9 and December 12 (as required).

All filings to the OEB must quote the file number, EB-2016-0160, 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.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, Harold Thiessen at [harold.thiessen@ontarioenergyboard.ca](mailto:harold.thiessen@ontarioenergyboard.ca) and OEB Counsel, Maureen Helt at [maureen.helt@ontarioenergyboard.ca](mailto:maureen.helt@ontarioenergyboard.ca).

### **ADDRESS**

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**DATED** at Toronto, October 28, 2016

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirstin Walli  
Board Secretary