



EB-2018-0171

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

AND IN THE MATTER OF motions by Hydro One Inc.
and Orillia Power Distribution Corporation pursuant to
Rule 8 and Rules 40 through 42 of the Ontario Energy
Board's *Rules of Practice and Procedure* for an order or
orders to vary the OEB's EB-2016-0276 Decision and
Order dated April 12, 2018

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

June 18, 2018

On May 2, 2018, Hydro One Inc. (Hydro One) and Orillia Power Distribution Corporation (Orillia Power) each filed a Notice of Motion for a review and variance of the OEB's EB-2016-0276 Decision and Order, in which the OEB denied Hydro One's application to acquire the shares of Orillia Power. The OEB will hear these motions together and has assigned file number EB-2018-0171 to this matter.

The motions filed by Hydro One and Orillia Power seek a variance of the OEB's EB-2016-0276 Decision on the basis that the OEB:

- a) Changed its policy without notice and erred in departing from its own guidance and not providing notice of the change
- b) Erred in relying on irrelevant evidence filed in the Hydro One Distribution Rate Application
- c) Changed the standard to be met, applying a higher standard that the OEB must be *assured* rather than there must be a *reasonable expectation* that underlying cost structures would be no higher than they would be in the absence of the acquisition
- d) Erred in ruling that Hydro One failed to file further evidence requested by the OEB

- e) Considered new criteria, i.e. Hydro One's general cost allocation methodology which fetters and pre-empts the discretion of a future panel responsible for setting rates for the consolidated entity

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

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

The OEB has decided that it will first consider the threshold question and has scheduled an oral hearing on this matter. Any party that intends to make submissions at the oral hearing is required to file a brief (maximum 5 page) written summary setting out its position on the threshold matter and any materials that it intends to rely on prior to the hearing. After hearing the submissions, the OEB may have questions.

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

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. An oral hearing will be held on **July 10, 2018** on the threshold question with respect to the motions filed by Hydro One and Orillia Power. The hearing will commence at 9:30 am in the OEB's hearing room at 2300 Yonge Street, Toronto.
2. Any party that wishes to make submissions on the threshold question is required to file a brief (maximum 5 page) written summary setting out its position on the threshold matter and any materials that intends to rely on by **July 3, 2018**. All materials shall be filed with the OEB and copied to all parties.

All filings to the OEB must quote the file number, EB-2018-0171, be made in searchable/ unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed

at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Judith Fernandes at judith.fernandes@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
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Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, June 18, 2018

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX A

HYDRO ONE INC.

ORILLIA POWER DISTRIBUTION CORPORATION

MOTIONS TO REVIEW AND VARY THE OEB's EB-2016-0276

DECISION AND ORDER

EB-2018-0171

APPLICANTS & CURRENT LIST OF INTERVENORS

**Hydro One Networks Inc.
EB-2018-0171**

APPLICANT & LIST OF INTERVENORS

June 18, 2018

APPLICANT

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**Hydro One Networks Inc.
EB-2018-0171**

APPLICANT & LIST OF INTERVENORS

June 18, 2018

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**Hydro One Networks Inc.
EB-2018-0171**

APPLICANT & LIST OF INTERVENORS

June 18, 2018

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**Hydro One Networks Inc.
EB-2018-0171**

APPLICANT & LIST OF INTERVENORS

June 18, 2018

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