



EB-2018-0082

**Erie Thames Powerlines Corporation
West Coast Huron Energy Inc.**

**Application for approval to amalgamate and continue
operations as a single electricity distribution company**

PROCEDURAL ORDER NO. 4

July 24, 2018

Erie Thames Powerlines Corporation (Erie Thames Powerlines) and West Coast Huron Energy Inc. (West Coast Huron Energy) (collectively, the Applicants) filed an application on March 14, 2018 under sections 18 and 86 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for approval to amalgamate and continue operations as a single electricity distribution company. The Applicants are asking the Ontario Energy Board (OEB) to approve:

- The amalgamation of Erie Thames Powerlines and West Coast Huron Energy
- The transfer of West Coast Huron Energy's distribution systems to Erie Thames Powerlines
- The transfer of West Coast Huron Energy's distribution licences and rate orders to Erie Thames Powerlines
- The amendment of Erie Thames Powerlines' electricity distribution license to include the service territory of West Coast Huron Energy
- The acquisition by EARTH Corporation of all shares of West Coast Huron Energy pursuant to section 86(2)(a) of the OEB Act

In Procedural Order No. 1, issued on May 22, 2018, the OEB approved Vulnerable Energy Consumers Coalition (VECC), Mr. James McCartney, and Mr. Gord Garland as intervenors. Procedural Order No. 1 also made provision for interrogatories and interrogatory responses. Interrogatories, if any, from OEB staff, VECC, Mr. McCartney

and Mr. Garland were to be filed with the OEB and served on all parties by June 4, 2018. In Procedural Order No. 2, the OEB granted Mr. Garland's request for an extension of the deadline for the filing of his interrogatories to June 8, 2018. The Applicants' responses, including responses to Mr. Garland's June 8, 2018 interrogatories, were due by June 18, 2018, and were received by the OEB on that date.

Letter of Intent to File Motions for Additional Disclosure

On July 19, 2018, Mr. Garland submitted, via fax, a letter indicating his intent to file "a series of motions to compel the applicants, including EARTH Corporation, to provide complete response to interrogatory questions." Mr. Garland's letter also indicated his intention to file these motions over a number of weeks beginning on or before July 27, 2018.

Findings on the Garland Correspondence

The OEB will establish a single deadline for the filing of any such motion(s). The Applicants' interrogatory responses were filed on June 18, 2018, and while the OEB will allow Mr. Garland to proceed with his request for responses to his interrogatories in respect of which he submits that the Applicants' responses are incomplete, the OEB will not provide for the series of weekly motions contemplated in the Garland correspondence.

Any motion being brought by Mr. Garland under Rule 27.03 is to be filed on or before Tuesday, July 31, 2018. The OEB will not prohibit Mr. Garland from filing more than one motion provided that it is filed by that date, but the OEB observes that typically, a request of this kind, in which the moving party takes issue with the Applicants' responses to a group of interrogatories, would be made by way of a single motion. The responses to which the moving party objects, and the grounds upon which the moving party submits that the responses are incomplete, could be organized by issue or by reasons cited by the Applicants, or in such other manner that the moving party considers appropriate. It is not clear to the OEB why more than one motion is needed in these circumstances.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Mr. Gord Garland shall file with the OEB and deliver to the parties any motion related to the interrogatory responses provided by the Applicants on or before **July 31, 2018**.
2. The deadlines for submissions from OEB Staff, intervenors and the Applicants set out in Procedural Order No. 3 are suspended, and the OEB will issue further direction in this regard.

All filings to the OEB must quote the file number, **EB-2018-0082** and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD or USB 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, Andrew Bishop, at Andrew.Bishop@oeb.ca and OEB Counsel, James Sidlofsky, at James.Sidlofsky@oeb.ca.

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DATED at Toronto, **July 24, 2018**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary