

Energy+ Inc.

**Application for electricity distribution rates and
harmonizing rates and charges in the Cambridge and
North Dumfries and Brant County service areas
beginning January 1, 2019**

**PROCEDURAL ORDER NO. 1
July 26, 2018**

Energy+ Inc. (Energy+) filed a cost of service application with the Ontario Energy Board (OEB) on April 30, 2018 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Energy+ charges for electricity distribution, to be effective January 1, 2019.

A Notice of Hearing was issued on May 28, 2018. The following groups applied for intervenor status:

- Association of Power Producers of Ontario (APPrO)
- Brantford Power Inc. (BPI)
- Consumers Council of Canada (CCC)
- Canadian Manufacturers and Exporters (CME)
- Hydro One Networks Inc. (Hydro One)
- School Energy Coalition (SEC)
- Toyota Motor Manufacturing Canada Inc. (TMMC)
- Vulnerable Energy Consumers Coalition (VECC)

APPrO, CCC, CME, SEC, and VECC also applied for cost eligibility.

Energy+ did not object to any of the intervention requests but objected to APPrO's request for cost eligibility.

APPrO's and CME's requests for intervenor status are denied. The OEB is not satisfied that APPrO or CME have a "substantial interest" in the proceeding, within the meaning of Rule 22.02 of the OEB's *Rules of Practice and Procedure*.

Neither APPrO nor CME have demonstrated that any of their members are customers of Energy+ who would be affected by the outcome of the proceeding. If APPrO or CME, or both, can demonstrate that they are representing directly affected customers they may re-apply for late intervenor status and the OEB will consider the request.

APPrO's interest in this proceeding relates to Energy+'s proposals to establish a new standby rate, change from net to gross load billing of the retail transmission and connection charges that are paid by load displacement customers and the impact of both on electricity generators. In its response to Energy+'s objection to APPrO's request for cost eligibility, APPrO stated that:

"A number of residential, commercial, and industrial distribution customers own and deploy distributed energy resources including behind the meter generation and storage resources. Generation facilities **may therefore be, and/or be** an integral part of, a number of Energy+ customers." [Emphasis added]

It is not clear from APPrO's notice of intervention or from its reply to Energy+'s objection, whether any APPrO members who are also Energy+ customers, are affected by the proposed standby rate or the proposed change to the retail transmission and connection charges. The customer of Energy+ that is also a generator that would be affected by the standby charge proposed in this proceeding, TMMC, has applied to intervene in this application.

Similarly, CME's notice of intervention failed to identify affected customers of Energy+ that are part of CME's membership and have a direct interest in this proceeding.

To the extent that an intervenor's interest in this proceeding relates to broader policy aspects of distributed generation or rate design the OEB notes that there is an ongoing consultation on Rate Design for Commercial and Industrial Customers (EB-2015-0043), which is a more appropriate venue than the current proceeding which deals with issues specific to Energy+ customers.

BPI, CCC, Hydro One, SEC, TMMC and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. CCC, SEC, and VECC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

Confidentiality

By letters dated April 30, 2018 and July 16, 2018, Energy+ requested confidential treatment for certain information in the following documents:

- a) Presentation slides for Customer Meeting dated October 18, 2017
- b) Presentation slides for Customer Engagement Meeting dated January 15, 2018
- c) Presentation slides for Customer Engagement Meeting dated January 19, 2018
- d) Energy+'s Response to customer questions – February 16, 2018
- e) Interrogatories from customer – April 10, 2018
- f) Letter from customer to Energy+ dated April 19, 2018
- g) Letter from Energy+ to customer dated April 23, 2018
- h) Facilities Plan – Appendix D - CBRE June 2015 June Update (Office and Land)
- i) Energy+'s PILs Tax Returns for 2016
- j) Facilities Plan – Appendix A – Space Needs Analysis
- k) Facilities Plan – Appendix D - CBRE June 2015 June Update (Office and Land)
- l) Energy+ responses to information requests from a large use customer (July 16, 2018 letter)

In accordance with the OEB's *Practice Direction on Confidential Filings*, Energy+ has filed redacted versions of the documents as part of its public filing and un-redacted versions as part of its confidential filing.

At this time, provision will be made for the filing of submissions on Energy+'s request for confidentiality. As an interim measure, counsel and consultants for intervenors that wish to make submissions on the request for confidentiality shall be granted access to the un-redacted documents provided they have executed the OEB's Declaration and Undertaking. The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Energy+. If Energy+ objects to a Declaration and Undertaking, the objection shall be filed with the OEB and copied to the relevant party within 5 days from the receipt of the Declaration and Undertaking. The relevant party

shall file its reply, if any, with the OEB and deliver a copy to Energy+, within 5 days from the receipt of the objection.

Expert Evidence

If OEB staff or any approved intervenor plans to file expert evidence in this proceeding, they shall file a letter with the OEB describing the nature of the evidence and the purpose and scope of the expert's participation in the proceeding.

The OEB will consider whether and to what extent the evidence is relevant to the proceeding and may order further procedural steps.

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Energy+'s application after the interrogatory process related to the applicant's evidence and intervenor evidence, if any, has concluded. Energy+, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration. The OEB will approve an issues list prior to the settlement conference.

Interrogatories to Energy+

At this time, provision will be made for written interrogatories. The OEB will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor's plans for the subsequent four years until the next scheduled rebasing application.

Parties should examine the value presented by the proposed investments as opposed to focussing only on the costs. Parties should also assess the fit between the applicant's plans and its stated objectives, and consider how the plans contribute to positive outcomes for customers, in particular those outcomes that arise from the asset management decisions reflected in the applicant's distribution system plan. The OEB will consider the entire five year distribution system plan to assess the planning and pacing proposals of the applicant and whether the test year requests are appropriately aligned with the distribution system plan. The OEB will also consider productivity and benchmarking results in assessing cost forecasts, bill impacts and distributor performance.

Parties should not engage in detailed exploration of items that do not appear to be material. Parties should use the materiality thresholds documented in Chapter 2 of the Filing Requirements as a guide. In making its decision on cost awards, the OEB will

consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's Rules of Practice and Procedure regarding required naming and numbering conventions and other matters related to interrogatories.

Presentation Day

Following the settlement conference, provision will be made for the presentation of any settlement proposal filed by Energy+, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Energy+'s presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal. With respect to any unsettled issues, the presentation should focus on how the issues relate to the business conditions Energy+ anticipates over the next five years, the planning it has undertaken to address system needs and customer preferences, and its proposal regarding how the costs of distributing electricity ought to be recovered from customers through the rates they pay, taking into consideration the OEB's policies. The purpose of the presentation is not to provide an opportunity for cross-examination by the parties, but rather for Energy+ to present any settlement and any remaining issues in the case.

TMMC has requested an oral hearing. The OEB will determine the form of hearing later in the proceeding.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. Energy+ shall provide the un-redacted documents for which it requests confidential treatment to intervenors who execute the OEB's Confidentiality Declaration and Undertaking.
2. If OEB staff or intervenors wish to file written submissions on Energy+'s request for confidentiality, they shall file their respective submissions with the OEB and serve it on Energy+ and all other parties by **July 31, 2018**.
3. If Energy+ wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all other parties by **August 3, 2018**.

4. OEB staff shall request any relevant information and documentation from Energy+ that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **August 15, 2018**.
5. Intervenors shall request any relevant information and documentation from Energy+ that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **August 20, 2018**.
6. Energy+ shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **September 14, 2018**.
7. Intervenors shall inform the OEB by letter if they intend to file evidence in this proceeding, the nature of the evidence and the purpose and scope of expert participation, if any, by **September 17, 2018**.
8. Unless the OEB orders otherwise, any intervenor that wishes to file evidence that is relevant to this proceeding shall file such evidence with the OEB, copied to Energy+ and intervenors, by **September 24, 2018**.
9. If any party seeks information and material with respect to any evidence filed by any intervenor that is in addition to the evidence filed with the OEB, and that is relevant to this proceeding, that information shall be requested by written interrogatories filed with the OEB, and copied to Energy+ and intervenors, by **October 11, 2018**.
10. Any intervenor that receives interrogatories on its evidence shall file with the OEB complete responses to the interrogatories and copy the responses to Energy+ and intervenors by **October 25, 2018**.
11. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **November 2, 2018**.
12. A Settlement Conference among the parties and OEB staff will be convened on **November 7, 2018** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **November 8 and 9, 2018**.
13. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **November 28, 2018**. In addition to outlining the terms

of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.

14. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties within **7 days** from when a settlement proposal is filed.
15. If there is no settlement proposal arising from the Settlement Conference, Energy+ shall file a statement to that effect with the OEB by **November 14, 2018**. In that event, parties shall file and serve on the other parties by **November 16, 2018** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
16. The OEB is setting a tentative date of **December 7, 2018** from 9:30 a.m. to 12:30 p.m. at 2300 Yonge Street, 25th floor, Toronto, for Energy+ to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

All filings to the OEB must quote the file number, EB-2018-0028, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Registrar 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, Shuo Zhang at Shuo.Zhang@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

ADDRESS

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Fax: 416-440-7656

DATED at Toronto, July 26, 2018

ONTARIO ENERGY BOARD

By delegation, before: Rudra Mukherji

Original signed by

Rudra Mukherji
Associate Registrar

SCHEDULE A

PROCEDURAL ORDER NO. 1

ENERGY+ INC.

EB-2018-0028

JULY 26, 2018

APPLICANT & LIST OF INTERVENORS

July 26, 2018

APPLICANT

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July 26, 2018

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APPLICANT & LIST OF INTERVENORS

July 26, 2018

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July 26, 2018

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Energy Plus Inc.
EB-2018-0028

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