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September 4, 2018

VIA E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St. Toronto, ON

Dear Ms. Walli:

Re: EB-2017-0039 –Essex Powerlines Corporation ('Essex') 2018 Cost of Service Rates Submissions of VECC on Rates Implementation Date

In its Decision and Order EB-2017-0039 issued August 23, 2018 the Board invited parties to make submissions on the appropriate effective date and on the draft rate order.

VECC has no submissions with respect to the draft rate order. With respect to the implementation date VECC submits rates should be implemented as of May 1, 2018 as sought by the Applicant.

Essex filed its application on August 28, 2017. The Filing Requirements for Electricity Distribution Rate Applications require a filing by August 28, 2017¹. We cannot identify any significant cause of delay in this proceeding attributable to the Applicant. However the Board did not issue a notice until three months after the filing of the Application on December 6, 2018. This three month timeframe occurred notwithstanding that no deficiencies were identified by Board staff with respect to the Application prior to the issuance of notice.

The Settlement Agreement was filed on April 13, 2018. Procedural Order No. 1 contemplated that it be filed on April 5, 2018. In our view the eight day difference is not material. While the agreement was not a complete settlement of the issues this is not unusual and is contemplated (or should be contemplated) in the Board's scheduling. In any event, the issue outstanding was singular and while of some complexity we would note that it related largely to a matter within the oversight of the Board's own regulatory audit responsibilities.

For these reasons we believe the Applicant has met all the filing requirements of the Board, should not be further penalized, and should be granted its requested implementation date of May 1, 2018.

These are our respectful submissions.

¹ See <https://www.oeb.ca/industry/applications-oeb/electricity-distribution-rates/2018-electricity-distribution-rate>

Yours truly,

John Lawford/PIAC

Counsel for VECC

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