



EB-2018-0056

Niagara-on-the-Lake Hydro Inc.

**Application for electricity distribution rates and other
charges beginning May 1, 2019**

**PROCEDURAL ORDER NO. 1
October 10, 2018**

Niagara-on-the-Lake Hydro Inc. (Niagara-on-the-Lake Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on August 23, 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 Niagara-on-the-Lake Hydro charges for electricity distribution, to be effective May 1, 2019.

A Notice of Hearing was issued on September 7, 2018. The School Energy Coalition (SEC) and Vulnerable Energy Consumer Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Niagara-on-the-Lake Hydro.

SEC and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. 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.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Niagara-on-the-Lake Hydro's application after the applicant has responded to interrogatories. Niagara-on-the-Lake Hydro, 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

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 Niagara-on-the-Lake Hydro, whether full or partial, and for

the presentation of any unsettled issues to be adjudicated by the OEB. Niagara-on-the-Lake Hydro'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 Niagara-on-the-Lake Hydro anticipates over the next 5 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 Niagara-on-the-Lake Hydro to present any settlement and any remaining issues in the case.

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. OEB staff shall request any relevant information and documentation from Niagara-on-the-Lake Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 24, 2018**.
2. Intervenor shall request any relevant information and documentation from Niagara-on-the-Lake Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 30, 2018**.
3. Niagara-on-the-Lake Hydro shall file with the OEB complete written responses to all interrogatories and serve them on the intervenors and OEB staff by **November 20, 2018**.
4. 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 27, 2018**.
5. A settlement conference among the parties and OEB staff will be convened on **December 10, 2018** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the settlement conference will continue on **December 11** and **December 12, 2018**.

6. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **January 7, 2019**. 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.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **January 14, 2019**.
8. If there is no settlement proposal arising from the settlement conference, Niagara-on-the-Lake Hydro shall file a statement to that effect with the OEB by **January 7, 2019**. In that event, parties shall file and serve on the other parties by **January 14, 2019** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
9. The OEB is setting a tentative date of **January 18, 2019** starting at 9:30 a.m. at 2300 Yonge Street, 25th floor, Toronto, for Niagara-on-the-Lake Hydro 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-2018-0056, 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 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 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, Tina Li at Tina.Li@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
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Toronto ON M4P 1E4
Attention: Registrar

E-mail: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **October 10, 2018**

ONTARIO ENERGY BOARD

By delegation, before: Rudra Mukherji

Original Signed By

Rudra Mukherji
Acting Manager, Registrar

SCHEDULE “A”

Niagara-on-the-Lake Hydro Inc.

Board File No. EB-2018-0056

APPLICANT & INTERVENORS

Dated: October 10, 2018

**Niagara-on-the-Lake Hydro Inc.
EB-2018-0056**

APPLICANT & LIST OF INTERVENORS

October 10, 2018

APPLICANT

Rep. and Address for Service

**Niagara-on-the-Lake Hydro
Inc.**

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INTERVENORS

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October 10, 2018

School Energy Coalition

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**Vulnerable Energy
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October 10, 2018

**Vulnerable Energy
Consumers Coalition**

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