



ENERGY+ INC.

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December 12, 2018

Delivered by RESS & Courier

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: Board File No. EB-2018-0028
Energy+ Inc. – 2019 Cost of Service Application Settlement Proposal

Dear Ms Walli:

Pursuant to Procedural Order No. 6, please find enclosed the Partial Settlement Proposal ("Settlement Proposal") and related supporting documentation in relation to Energy+ Inc.'s 2019 Cost of Service Application.

As more fully described in the attached Settlement Proposal, in an attempt to assist the Board, the Parties have agreed to a proposal with regards to the most efficient process to address the unsettled and partially settled issues:

- The Parties agree that the unsettled issues would be most efficiently disposed of by way of an oral hearing.
- Shortly after the filing of this Settlement Proposal, Energy+ will file two updates to the evidence. The first update relates to the forecasted costs associated with its proposed ACM for the Southworks facility (which have recently changed). The second relates to quantifying the efficiencies achieved as a result of the transition to monthly billing.
- The Parties agree that additional discovery on cost allocation and rate design and the evidence update would be appropriate prior to the start of the oral hearing. This additional discovery will ensure the Board has the most current and accurate information available prior to the start of the oral hearing. It will also ensure that all Parties are given an opportunity to further clarify the evidence on cost allocation and rate design and explore any changes arising from the evidence update.
- The Parties agree that a transcribed technical conference, with questions submitted in advance of the technical conference, would be the most efficient means of conducting this additional discovery. Should the Board panel not agree with the proposal to hold a technical conference, the Parties agree in the alternative that, at a minimum, additional written discovery on cost allocation and rate design and the evidence update should be permitted.

As part of the Partial Settlement, Energy+ Inc. is filing a redacted version of Appendix E: Energy+ Responses to Clarification Questions on the public record. The following Settlement Proposal – Clarification Questions have been redacted:

Category 1

Clarification Question	Details
VECC Settlement Clarification Question 3 e) f)	Customer Specific Load Information
VECC Settlement Clarification Question 7 a)	Customer Specific Load Information

For the Category 1 information, the third parties whose information has been redacted are engaged in competitive business activities. The information that has been redacted is consistently treated in a confidential manner. Disclosure of the third-party information in the documents listed in Category 1 above could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, and be injurious to the financial interest of the applicable third party.

The Practice Direction recognizes that these are both among the factors that the Board will take into consideration when addressing the confidentiality of filings. They are also addressed in subsection 17(1) of the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), and the Practice Direction notes (at Appendix C of the Practice Direction) that third party information as described in subsection 17(1) of FIPPA is among the types of information previously assessed or maintained by the Board as confidential.

Energy+ is prepared to provide unredacted copies of the documents listed in Category 1 to parties' counsel and experts or consultants provided that they have executed the Board's form of Declaration and Undertaking with respect to confidentiality and that they comply with the Practice Direction, subject to Energy+'s right to object to the Board's acceptance of a Declaration and Undertaking from any person.

In keeping with the requirements of the Practice Direction, Energy+ is filing two confidential unredacted versions of the documents listed in Category 1 in hard copy only. The unredacted versions of the documents have been placed in a sealed envelope marked "Confidential". These documents are marked "Confidential", and Energy+ has identified the portions of the documents in respect of which confidentiality is claimed through the use of sidebars ("i") and printed on yellow paper. Energy+ requests that the unredacted documents be kept confidential.

Two hard copies of the Partial Settlement Proposal, along with a Confidential Filing package are being couriered to the OEB's offices.

Respectfully submitted,



Sarah Hughes, CPA, CA, C.Dir
Chief Financial Officer

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Intervenors of Record