



**EB-2019-0143**

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

**Motion to Review and Vary the Ontario Energy Board's  
Decision and Order dated April 23, 2019 re Niagara-on-  
the-Lake Hydro Inc.'s 2019 Distribution Rate Application  
(EB-2018-0056)**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1  
June 6, 2019**

**Background**

On April 29, 2019, Niagara-on-the-Lake Hydro Inc. (NOTL Hydro) filed a notice of motion to review and vary the April 23, 2019 Decision and Order of the Ontario Energy Board (OEB) in the EB-2018-0056 proceeding on NOTL Hydro's application for electricity distribution rates effective May 1, 2019 (the Decision). NOTL Hydro takes issue with the way the Decision dealt with the Operating, Maintenance and Administration expense (OM&A) for 2019 test year and claims that the difference between NOTL Hydro's proposed 2019 OM&A budget and the approved OM&A budget in the Decision is an error that has material impact on the utility.

The OEB has assigned this motion file number EB-2019-0143.

**Threshold Question**

Under Rule 43.01 of the OEB's *Rules of Practice and Procedure*, the OEB may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits. The OEB has determined that it will hear submissions on the threshold question of whether the matter should be reviewed. If the OEB determines that the threshold has been met it will then consider

the merits of the Motion. The OEB is seeking submissions on both the threshold question and the merits of the motion from parties who participated in EB-2018-0056.

### **The Process for Hearing this Motion**

This motion will be heard by a differently constituted panel than the one that issued the Decision.

Every party to the EB-2018-0056 proceeding is deemed to be a party to this motion. Any party that was determined to be eligible for costs in the EB-2018-0056 proceeding will be eligible for costs in this motion.

NOTL Hydro has proposed that the motion be heard in writing. The OEB will receive written submissions from the parties in accordance with the schedule set out below. After reviewing the submissions, the OEB may provide further procedural directions.

### **IT IS THEREFORE ORDERED THAT:**

1. NOTL Hydro may file any further written submissions in support of the motion, and serve them on all parties, by **June 20, 2019**.
2. Intervenors and OEB staff shall file any written submissions, and serve them on all parties, by **July 11, 2019**.
3. NOTL Hydro may file reply by **July 25, 2019**.

All filings to the OEB must quote the file number, EB-2019-0143, be made in searchable/ unrestricted PDF format electronically 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/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 flash drive 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, Tina Li at [Tina.Li@oeb.ca](mailto:Tina.Li@oeb.ca) and OEB Counsel, Ljuba Djurdjevic at [Ljuba.Djurdjevic@oeb.ca](mailto:Ljuba.Djurdjevic@oeb.ca).

**ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
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Attention: Board Secretary

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

**DATED** at Toronto, **June 6, 2019**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**Schedule A**  
**Notice of Hearing & Procedural Order No. 1**  
**List of Applicant and Parties**  
**EB-2018-0056**  
**Dated: June 6, 2019**

**Niagara-on-the-Lake Hydro Inc.  
EB-2019-0143**

**APPLICANT & LIST OF INTERVENORS**

June 06, 2019

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**APPLICANT**

**Rep. and Address for Service**

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

**Tim Curtis**

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**INTERVENORS**

**Rep. and Address for Service**

**School Energy Coalition**

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EB-2019-0143**

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June 06, 2019

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**School Energy Coalition**

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**Vulnerable Energy  
Consumers Coalition**

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EB-2019-0143**

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**June 06, 2019**

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**Vulnerable Energy  
Consumers Coalition**

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