

EnWin Utilities Ltd.

**Application for electricity distribution rates and other
charges beginning January 1, 2020**

**PROCEDURAL ORDER NO. 1
June 21, 2019**

EnWin Utilities Ltd. (EnWin Utilities) filed a cost of service application with the Ontario Energy Board (OEB) on April 26, 2019 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 EnWin Utilities charges for electricity distribution, to be effective January 1, 2020.

A Notice of Hearing was issued on May 23, 2019. Each of Association of Major Power Consumers in Ontario (AMPCO), Consumers Council of Canada (CCC), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from EnWin Utilities.

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

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to EnWin Utilities's application after the applicant has responded to interrogatories. EnWin Utilities, 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.

Confidentiality

By the letter dated April 26, 2019 and pursuant to the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings*, EnWin Utilities requested confidential treatment for EnWin Utilities' 2017 Federal and Provincial Tax Return (Exhibit 4, Attachment 4-R).

In accordance with the OEB's *Practice Direction on Confidential Filings*, EnWin Utilities has provided reasons for the confidentiality request, including reasons why public disclosure of the information would be contrary to the *Freedom of Information and Protection of Privacy Act*. EnWin Utilities also advised that they do not have consent to disclose the personal information (names and associated personal information) of individuals.

At this time, provision will be made for the filing of submissions on EnWin Utilities' request for confidentiality. 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 EnWin Utilities. If EnWin Utilities 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 EnWin Utilities, within **5 days** from the receipt of the objection.

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 of Settlement Proposal

Following the settlement conference, provision will be made for the presentation of any settlement proposal filed by EnWin Utilities, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. EnWin Utilities' 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 EnWin Utilities 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 EnWin Utilities 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 and intervenors who wish to make written submissions on EnWin Utilities' confidentiality requests shall file such submissions with the OEB, and serve them on EnWin Utilities and all other intervenors, by **June 27, 2019**.

2. If EnWin Utilities wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all intervenors by **July 4, 2019**.
3. OEB staff and intervenors shall request any relevant information and documentation from EnWin Utilities that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **July 12, 2019**.
4. EnWin Utilities shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **August 1, 2019**.
5. 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 **August 14, 2019**.
6. A settlement conference among the parties and OEB staff will be convened on **August 22, 2019** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the settlement conference will continue on **August 23, 2019**.
7. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **September 17, 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.
8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **September 25, 2019**.
9. If there is no settlement proposal arising from the settlement conference, EnWin Utilities shall file a statement to that effect with the OEB by **September 6, 2019**. In that event, parties shall file and serve on the other parties by **September 13, 2019** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
10. The OEB is setting a tentative date of **October 4, 2019** from 9:30 a.m. to 12:30 p.m. at 2300 Yonge Street, 25th floor, Toronto, for EnWin Utilities 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-2019-0032**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.oeb.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 memory stick 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, Ian Richler at Ian.Richler@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Registrar

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

DATED at Toronto, June 21, 2019

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar
Office of the Registrar

SCHEDULE “A”

EnWin Utilities Ltd.

Board File No. EB-2019-0032

APPLICANT & INTERVENORS

Dated: June 21, 2019

EnWin Utilities Ltd.

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APPLICANT & LIST OF INTERVENORS

June 21, 2019

APPLICANT

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APPLICANT & LIST OF INTERVENORS

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INTERVENORS

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**Vulnerable Energy
Consumers Coalition**

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