



Energy+ Inc.

**Motion to Review and Vary the Ontario Energy Board's
Decision and Order dated June 13, 2019 re
Energy+ Inc.'s 2019 Distribution Rate Application
(EB-2018-0028)**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1
August 16, 2019**

Background

On July 2, 2019, Energy+ Inc. (Energy+) filed a notice of motion to review and vary the June 13, 2019 Decision and Order of the Ontario Energy Board (OEB) in the EB-2018-0028 proceeding on Energy+'s application for electricity distribution rates effective January 1, 2019 (the Decision). Energy+ requested that the OEB review and vary its Decision with respect to its conclusions regarding two separate issues: the Advanced Capital Module (ACM) and the impact of Bill C-97.

The OEB has assigned this motion file number EB-2019-0180.

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-2018-0028.

Bill C-97

In light of the federal government's intention to change the accelerated tax deductions (CCA) program, the OEB directed Energy+ to establish a new sub-account within Account 1592 - PILs and Tax Variances to specifically record the impact of changes in CCA rules. In its notice of motion, Energy+ stated that the OEB did not ask the parties, nor did it hear submissions from the parties, which breached the rules of justice and fairness in its consideration and application of the Bill C-97 impact.

On June 21, 2019, Bill C-97, the *Budget Implementation Act, 2019, No. 1*, was given Royal Assent. The OEB issued a letter on July 25, 2019 directing all electricity distributors, including Energy+, to record the full revenue requirement impact of changes in CCA rules in a sub-account of Account 1592.

The OEB notes that under the Accounting Procedures Handbook, electricity distributors are required to record the impact of any differences that result from a legislative or regulatory change to the tax rates or rules. Given the accounting direction regarding Bill C-97, the OEB has determined that it will dismiss the Bill C-97 portion of the motion to review at the threshold stage without a hearing pursuant to Rule 43.

The Board will hear both the threshold question and the merits of the motion with respect to the ACM issue in a single round of submissions.

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-2018-0028 proceeding is deemed to be a party to this motion. Any party that was determined to be eligible for costs in the EB-2018-0028 proceeding will be eligible for costs in this motion.

Energy+ 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.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Energy+ may file any further written submissions and any documentation in support of the threshold question and the merits of the motion with respect to the ACM issue, and serve them on all parties, by **August 29, 2019**.
2. Intervenors and OEB staff shall file any written submissions and any documentation on both the threshold question and the merits of the motion with respect to the ACM issue, and serve them on all parties, by **September 12, 2019**.
3. Energy+ may file a reply submission by **September 24, 2019**.

All filings to the OEB must quote the file number, EB-2019-0180, 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, Shuo Zhang at Shuo.Zhang@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

ADDRESS

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

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

DATED at Toronto, **August 16, 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-2019-0180
Dated: August 16, 2019

Energy+ Inc.
Motion to Review and Vary
2019 Distribution Rate Application
Decision and Order (EB-2018-0028) dated June 13, 2019
EB-2019-00180

APPLICANT & LIST INTERVENORS

August 16, 2019

APPLICANT

Rep. and Address for Service

Energy Plus Inc.

Sarah Hughes
Chief Financial Officer
Energy Plus Inc.
1500 Bishop St.
P.O. Box 1060
Cambridge, ON N1R 5X6
Tel: 519-621-8405
Fax: 519-621-0383
shughes@energyplus.ca

Ian Miles
President & CEO
Energy Plus Inc.
1500 Bishop St.
P.O. Box 1060
Cambridge ON N1R 5X6
Tel: 519-621-8405 Ext: 2355
Fax: Not Provided
regulatoryaffairs@energyplus.ca

Bruce Bacon
Consultant
Borden Ladner Gervais LLP
40 King Street West
Suite 4100, Scotia Plaza
Toronto ON M5H 3Y4
Tel: 416-367-6087
Fax: 416-3617366
bbacon@blg.com

Energy+ Inc.
Motion to Review and Vary
2019 Distribution Rate Application
Decision and Order (EB-2018-0028) dated June 13, 2019
EB-2019-00180

APPLICANT & LIST INTERVENORS

August 16, 2019

APPLICANT COUNSEL

John Vellone
Partner
Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto ON M5H 4E3
Tel: 416-367-6730
Fax: 416-361-2758
jvellone@blg.com

INTERVENORS

Rep. and Address for Service

Brantford Power Inc.

Brian D'Amboise
CFO and Vice President
Brantford Power Inc.
84 Market St.
Box 308
Brantford ON N3T 5N8
Tel: 519-751-3522 Ext: 5133
Fax: Not Provided
regulatory@brantford.ca

Oana Stefan
Manager (Interim)
Brantford Power Inc.
84 Market St.
Box 308
Brantford ON N3T 5N8
Tel: 519-751-3522 Ext: 5477
Fax: Not Provided
ostefan@brantford.ca

Energy+ Inc.
Motion to Review and Vary
2019 Distribution Rate Application
Decision and Order (EB-2018-0028) dated June 13, 2019
EB-2019-00180

APPLICANT & LIST INTERVENORS

August 16, 2019

**Consumers Council of
Canada**

Julie Girvan
Consultant
Consumers Council of Canada
J. E. Girvan Enterprises
62 Hillsdale Ave. East
Toronto ON M4S 1T5
Tel: 416-322-7936
Fax: 416-322-9703
jgirvan@uniserve.com

Shelley Grice
Project Manager
Association of Major Power Consumers in Ontario
46 Scarborough Road
Toronto ON M4E 3M5
Tel: 647-880-9942
shelley.grice@rogers.com

Hydro One Networks Inc.

Eryn MacKinnon
Senior Regulatory Coordinator
Hydro One Networks Inc.
483 Bay Street
7th Floor, South Tower
Toronto ON M5G 2P5
Tel: 416-345-4479
Fax: 416-345-5866
regulatory@hydroone.com

**Energy+ Inc.
Motion to Review and Vary
2019 Distribution Rate Application
Decision and Order (EB-2018-0028) dated June 13, 2019
EB-2019-00180**

APPLICANT & LIST INTERVENORS

August 16, 2019

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Education Services Corporation
95 Edgemont Street South
Hamilton ON L8K 2H6
Tel: 416-317-7171
wayne.mcnally@oesc-cseo.org

Mark Rubenstein

Counsel
Shepherd Rubenstein Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 647-483-0113
Fax: 416-483-3305
mark@shepherdrubenstein.com

Jay Shepherd

Counsel
Shepherd Rubenstein Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 416-804-2767
Fax: 416-483-3305
jay@shepherdrubenstein.com

Energy+ Inc.
Motion to Review and Vary
2019 Distribution Rate Application
Decision and Order (EB-2018-0028) dated June 13, 2019
EB-2019-00180

APPLICANT & LIST INTERVENORS

August 16, 2019

**Toyota Motor Manufacturing
Canada Inc.**

Melody Collis

Assistant Manager
Toyota Motor Manufacturing Canada Inc.
1055 Fountain Street North
Cambridge ON N3H 5K2
Tel: 519-653-1111 Ext: 3453
Fax: 519-653-2514
melody.collis@toyota.com

Pete Leonard

Manager
Toyota Motor Manufacturing Canada Inc.
1055 Fountain Street North
Cambridge ON N3H 5K2
Tel: 519-653-1111 Ext: 3456
Fax: 519-653-2514
pete.leonard@toyota.com

Bill Fantin

Purchasing Manager
Toyota Motor Manufacturing Canada Inc.
1055 Fountain Street North
Cambridge ON N3H 5K2
Tel: 519-653-1111 Ext: 2633
Fax: 519-653-2514
bill.fantin@toyota.com

Helen Newland

Counsel
Dentons Canada LLP
77 King St.
Suite 400 - Toronto Dominion Centre
Toronto ON M5K 0A1
Tel: 416-863-4471
Fax: 416-863-4592
helen.newland@dentons.com

Energy+ Inc.
Motion to Review and Vary
2019 Distribution Rate Application
Decision and Order (EB-2018-0028) dated June 13, 2019
EB-2019-00180

APPLICANT & LIST INTERVENORS

August 16, 2019

**Vulnerable Energy
Consumers Coalition**

John Lawford

Counsel, Regulatory and Public Policy
Public Interest Advocacy Centre
2-285 McLeod Street
Ottawa ON K2P 1A1
Tel: 613-562-4002 Ext: 25
jlawford@piac.ca

Mark Garner

Consultant - Project Manager
Consultant
647 Broadway Avenue
Toronto ON M4G 2S8
Tel: 647-408-4501
markgarner@rogers.com

Bill Harper

Consultant
107 Baker Ave.
Richmond Hill ON L4C 1X5
Tel: 416-348 0193
bharper.consultant@bell.net