

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)**

**PROCEDURAL ORDER NO. 2
August 22, 2019**

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.

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 issued a Notice of Hearing and Procedural Order (PO) No.1 on August 16, 2019, in which it dismissed the Bill C-97 portion of the motion to review at the threshold stage without a hearing pursuant to Rule 43. The OEB further determined that it will hear both the threshold question and the merits of the motion with respect to the ACM issue in a single round of submissions from parties who participated in EB-2018-0028. PO No.1 also made provision for Energy+ to 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 by August 29, 2019.

On August 20, 2019, Energy+ requested an extension until September 13, 2019, to file further evidence. Energy+ stated that it has retained an expert, CBRE Limited (CBRE), to provide an opinion relevant to the issue of the motion. The applicant noted that CBRE and Energy+ will not be in a position to complete the expert report until that time.

Energy+ also requested that the OEB provide an additional step in the timetable to allow for a discovery process of the expert evidence in case OEB staff or any of the parties or interveners wish to test the new evidence.

The OEB grants the extension request and will provide additional steps to test the expert evidence. The OEB may provide further procedural directions as necessary.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Energy+ may file further evidence 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 **September 13, 2019**.
2. Intervenors and OEB staff may request any relevant information and documentation from Energy+ on the additional evidence, by written interrogatories filed with the OEB and served on all parties by **September 23, 2019**.
3. Energy+ shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **October 3, 2019**.
4. Intervenors and OEB staff shall file written submissions 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 **October 17, 2019**.
5. Energy+ may file a reply submission by **October 30, 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 USB 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

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DATED at Toronto, **August 22, 2019**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary