

Brantford Power Inc.

**Application for electricity distribution rates effective
January 1, 2020**

-and-

Energy+ Inc.

**Application for electricity distribution rates effective
January 1, 2020**

**PROCEDURAL ORDER NO. 2
November 15, 2019**

On August 12, 2019, Brantford Power Inc. (Brantford Power) filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) under section 78 of the *Ontario Energy Board Act, 1998* (OEB Act) seeking approval for changes to its electricity distribution rates to be effective January 1, 2020. The application includes a request for an Incremental Capital Module (ICM) related to the relocation of Brantford Power's administration office and operations centre.

On August 26, 2019, Energy+ Inc. (Energy+) filed an IRM application with the OEB under section 78 of the OEB Act seeking approval for changes to its electricity distribution rates to be effective January 1, 2020. The application includes a request for an ICM related to the relocation of Energy+'s operations centre in its Brant County service territory.

In Procedural Order No.1 issued on October 4, 2019, the OEB decided that Brantford Power and Energy+'s applications would be heard together as a combined hearing pursuant to section 21(5) of the OEB Act.

Confidentiality

On November 5, 2019, Brantford Power filed its interrogatory responses with the OEB. As part of its filing, and pursuant to Rule 10.01 of the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings* (collectively as Rules and Practice Direction), Brantford Power requested confidential treatment for certain information contained in materials that had been provided to its Board of Directors.¹ Brantford Power filed redacted versions of the written evidence for the public record of this proceeding and un-redacted versions confidentially with the OEB.

In accordance with the OEB's Rules and Practice Direction, Brantford Power has provided reasons for the confidentiality request. Brantford Power stated that the redacted information consists of anticipated/targeted pricing information for the property that Brantford Power has listed for lease. Brantford Power indicated that it has yet to negotiate and contract the lease arrangements for its property and that release of the redacted information could prejudice Brantford Power's competitive position, interfere with contractual negotiations and result in undue loss to Brantford Power.

On November 5, 2019, Energy+ filed its interrogatory responses with the OEB. As part of its filing, and pursuant to the OEB's Rules and Practice Direction, Energy+ requested confidential treatment for a Measurement and Verification (M&V) report and for load and generation data pertaining to a third party.² Energy+ filed redacted versions of the written evidence for the public record of this proceeding and un-redacted versions confidentially with the OEB.

In accordance with the OEB's Rules and Practice Direction, Energy+ has provided reasons for the confidentiality request. Energy+ stated that the redacted information pertains to a third-party currently engaged in competitive business activity. Energy+ indicated that release of the redacted information could prejudice the economic interest and competitive position of the third-party and result in undue financial loss to the third-party.

At this time, the OEB is making provision for written submissions on Brantford Power's and Energy+'s confidentiality requests for portions of the written evidence. Counsel and consultants for intervenors that wish to make submissions on the request for confidentiality shall be granted access to the unredacted documents provided they have executed the OEB's [Declaration and Undertaking](#). The signed Declaration and

¹ The materials provided to Brantford Power's Board of Directors are included as Interrogatory Attachment C in response to SEC-BPI-1, SEC-BPI-2 and SEC-BPI-7

² The M&V report and load and generation data are in response to E-Staff-66

Undertaking shall be filed with the OEB and a copy shall be delivered to Brantford Power and Energy+. If Brantford Power or Energy+ 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 Brantford Power and Energy+ within 5 days from the receipt of the objection.

The OEB is also making provision at this time for written submissions on Brantford Power and Energy+'s rate applications.

THE ONTARIO ENERGY BOARD ORDERS THAT:

Confidentiality

1. OEB staff and intervenors who wish to make written submissions on the confidentiality requests of Brantford Power and Energy+ shall file such submissions with the OEB and serve them on Brantford Power and Energy+ and all other intervenors by **November 22, 2019**.
2. If Brantford Power and/or Energy+ wish to respond to any of the submissions on these confidentiality requests, any reply submissions shall be filed with the OEB and served on all intervenors by **November 29, 2019**.

Rate Applications

3. OEB staff and intervenors who wish to make written submissions shall file such submissions with the OEB and serve them on Brantford Power, Energy+ and all other intervenors by **December 6, 2019**.
4. Each of Brantford Power and Energy+ may file a written reply submission with the OEB and serve it on all intervenors by **December 20, 2019**.

All filings to the OEB must quote the file number, **EB-2019-0022 / EB-2019-0031**, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://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 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, Jerry Wang at Jerry.Wang@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
Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, November 15, 2019

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary