

January 31, 2020

Christine Long
Registrar and Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Long

**Re: Amalgamation of Veridian Connections Inc. and Whitby Hydro Electric Corporation
Combined DSP
Board File No.: EB-2018-0236**

Elexicon has recently identified a discrepancy in the December 20th, 2018 Decision and Order for the above noted proceeding in regards to the date by which Elexicon Energy must file a combined Distribution System Plan (DSP).

Page 17 of the Decision and Order implies that the DSP must be filed by December 20th, 2020:

“With respect to the potential ICM applications, the OEB has found that its policies outlined in the Handbook apply to this amalgamation transaction. LDC Mergeco may apply for an ICM during the deferral period, however, a combined DSP must be filed with the OEB within 24 months of this Decision.”
(underline added for emphasis)

Page 21 (Order #9) of the Decision and Order implies that a combined DSP must be filed by March 31st, 2021 (24 months after the April 1st, 2019 amalgamation date):

“LDC Mergeco shall file a consolidated Distribution System Plan within 24 months of the closing of the closing [sic] of the proposed transactions. The consolidated Distribution System Plan shall consider the entirety of the amalgamated entity’s service territory (i.e., the current service areas of Veridian Connections Inc. and Whitby Hydro Electric Corporation).” (underline added for emphasis)

Elexicon believes that the later date, 24 months from the transaction date, is the correct DSP filing deadline and has been initiating activities to support the DSP preparation based on this expectation. This timeline is based on OEB’s Order #9 as well as the reasoning stated on page 15 of the Decision and Order:



“In addition to its submission regarding ICMS, SEC also noted that it had asked the Applicants, in SEC IR No. 4, if they would support a condition that their combined DSP be filed by December 31, 2020. In response to the interrogatory, the Applicants declined to accept a specific date of December 31, 2020 as part of a condition of approval due to the uncertainty related to the actual transaction closing date. However, the Applicants did state, as noted in the application, their intention to file a consolidated DSP within 18 to 24 months of the proposed transactions’ closing date. Further, the Applicants response highlighted that they would be agreeable to a condition of approval specific to the filing of a consolidated DSP in a reasonable timeline, should it be deemed necessary by the OEB. As a result, SEC submitted that the OEB should direct LDC Mergeco to file a consolidated DSP as soon as possible after closing the proposed transactions, but in any case within 24 months of that closing. In their reply submission, the Applicants agreed to submitting a combined distribution system plan within 24 months of the closing of the amalgamation transaction.”

To avoid any confusion, Elexicon requests confirmation from the Board that the filing date for the combined DSP is 24 months from the closing date of the transaction.

Yours Truly,

Original signed by

Steve Zebrowski
Manager, Regulatory Policy