

Hydro Ottawa Limited

**Application for electricity distribution rates and other
charges for the period from January 1, 2021 to December
31, 2025**

**PROCEDURAL ORDER NO. 1 AND DECISION ON CONFIDENTIALITY
March 31, 2020**

Hydro Ottawa Limited (Hydro Ottawa) filed a custom incentive rate-setting application with the Ontario Energy Board (OEB) on February 11, 2020 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 Hydro Ottawa charges for electricity distribution, beginning January 1, 2021, and for each following year through to December 31, 2025.

A Notice of Hearing was issued on March 4, 2020. The following parties applied for intervenor status:

- Building Owners and Managers Association (BOMA)
- Richard Parry
- Consumers Council of Canada (CCC)
- Distributed Resource Coalition (DRC)
- Environmental Defence
- Nash Smith
- Pollution Probe
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

Each of BOMA, CCC, DRC, Environmental Defence, Pollution Probe, SEC and VECC also applied for cost eligibility.

No objection was received from Hydro Ottawa.

BOMA, Richard Parry, CCC, DRC, Environmental Defence, Nash Smith, Pollution Probe, SEC and VECC, are approved as intervenors.

Intervention Request of Richard Parry

In his letter of intervention Mr. Richard Parry notes that his interest in this proceeding relates to Hydro Ottawa's proposal in relation to the Transformer Allowance Credit and other matters. Mr. Parry further states that he represents the interests of the "Carleton Condominium Corporation No 75, an electrically heated 22-storey highrise situated at 1285 Cahill Drive East Ottawa Ontario K1V 9A7".

The OEB notes that Mr. Parry has not provided any documentation to confirm that he is authorized to represent the interests of Carleton Condominium Corporation No. 75. Therefore, the OEB approves Mr. Parry as an intervenor in his individual capacity as a customer of Hydro Ottawa. If Mr. Parry wishes to represent the Carleton Condominium Corporation in this proceeding, he is required to provide appropriate documentation, by **April 10, 2020**, that confirms he is authorized to represent the condominium corporation.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Each of BOMA, CCC, DRC, Environmental Defence, Pollution Probe, 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. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Hydro Ottawa's application after the applicant has responded to interrogatories. Hydro Ottawa, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should examine the value presented by the proposed investments as opposed to focusing 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 to 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.

Expert Evidence

The OEB is making provision for OEB staff to inform the OEB by letter of their plans to file expert evidence in this proceeding. Similarly, if any cost eligible intervenor plans to file expert evidence in this proceeding, such intervenors shall file a letter with the OEB describing the nature of the evidence, whether the expert evidence will be commissioned jointly with other intervenors, and the estimated cost. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding, and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence.

After reviewing this material, the OEB will consider whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB's *Practice Direction on Cost Awards*.

Confidentiality

Under cover of letter dated March 13, 2020, Hydro Ottawa filed working papers¹ related to the *Economic Benchmarking Study of Hydro Ottawa's Total Cost and Reliability* (Benchmarking Study), prepared by Clearspring Energy Advisors (Clearspring). Pursuant to Rule 10.01 of the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings* (Practice Direction), Hydro Ottawa requested confidential treatment for the following information in the working papers:

1. Data used in the respective study, in the form of a Microsoft Excel spreadsheet or other files;
2. Microsoft Excel or other files that made use of the source data and produced measures that were used, directly or indirectly, by the respective benchmarking models;
3. Microsoft Excel or other files used to produce the Tables and Figures in the Clearspring benchmarking report;
4. The computer code used to generate results for the respective benchmarking models; and
5. Electronic GIS files used to define utility service territories and Clearspring defined congested areas.

Hydro Ottawa stated that the noted information consisted of "proprietary, technical and commercially sensitive data and models that represent significant work undertaken by Clearspring. Placing such data on the public record would cause prejudice to Clearspring's competitive position and has the potential to produce significant financial harm to Clearspring". Hydro Ottawa also noted that this type of information has been treated as confidential in other cases before the OEB.

The OEB is satisfied that the information for which confidential treatment is requested is proprietary, commercially sensitive and its disclosure could prejudice Clearspring's competitive position and cause it financial harm. The OEB further notes that the maintenance in confidence of information of this kind is contemplated by the Practice Direction, and the OEB's findings are consistent with those of the OEB in similar proceedings² involving working papers used in the preparation of expert evidence.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

¹ Described as data, in the form of excel spreadsheets or other files and benchmarking models.

² EB-2019-0082, EB-2018-0218, EB-2018-0165, EB-2017-0049

IT IS THEREFORE ORDERED THAT:**Interrogatories**

1. OEB staff shall request any relevant information and documentation from Hydro Ottawa that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **May 8, 2020**.
2. Intervenors shall request any relevant information and documentation from Hydro Ottawa that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **May 11, 2020**.
3. Hydro Ottawa shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **May 29, 2020**.

Issues List

4. 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 **June 5, 2020**.

Expert Evidence

5. OEB staff shall inform the OEB if it plans to file expert evidence no later than **May 13, 2020**.
6. Intervenors that plan to file expert evidence shall inform the OEB by letter no later than **May 18, 2020**.
7. OEB staff and any intervenors permitted to file expert evidence shall file such evidence with the OEB, and provide a copy to Hydro Ottawa and intervenors no later than **June 12, 2020**.
8. If any party is seeking information and material with respect to any evidence filed by OEB staff or any intervenor that is in addition to the evidence filed with the OEB, and that is relevant to this proceeding, that information shall be requested by written interrogatories filed with the OEB, and copied to all parties by **June 18, 2020**.
9. Any party that receives interrogatories on its evidence shall file with the OEB complete responses to the interrogatories by **June 29, 2020**.

All materials filed with the OEB must quote the file number, **EB-2019-0261**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, 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 <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to the address below.

NOTE: The OEB is temporarily waiving the paper copy filing requirement until further notice. 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, James Sidlofsky at James.Sidlofsky@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, **March 31, 2020**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar and Board Secretary

SCHEDULE A

PROCEDURAL ORDER NO. 1

HYDRO OTTAWA LIMITED

EB-2019-0261

MARCH 31, 2020

APPLICANT AND LIST OF INTERVENORS

**Hydro Ottawa Limited
EB-2019-0261**

APPLICANT & LIST OF INTERVENORS

March 31, 2020

APPLICANT

Rep. and Address for Service

Hydro Ottawa Limited

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APPLICANT & LIST OF INTERVENORS

March 31, 2020

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APPLICANT & LIST OF INTERVENORS

March 31, 2020

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EB-2019-0261**

APPLICANT & LIST OF INTERVENORS

March 31, 2020

**Distributed Resource
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EB-2019-0261**

APPLICANT & LIST OF INTERVENORS

March 31, 2020

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EB-2019-0261**

APPLICANT & LIST OF INTERVENORS

March 31, 2020

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