

Halton Hills Hydro Inc.

**Application for electricity distribution rates and other
charges beginning May 1, 2021**

**PROCEDURAL ORDER NO. 1
October 16, 2020**

Halton Hills Hydro Inc. (Halton Hills Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on August 28, 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 Halton Hills Hydro charges for electricity distribution, beginning May 1, 2021.

A Notice of Hearing was issued on September 15, 2020. The deadline for applying for intervenor status and cost eligibility was October 5, 2020. Each of Distributed Resource Coalition (DRC), Energy Probe Research Foundation (Energy Probe), Hydro One Networks Inc. (Hydro One), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. The intervention requests of Energy Probe and VECC were filed on October 7, 2020 and October 8, 2020, after the deadline for applying for intervenor status and cost eligibility had passed. Energy Probe, DRC, SEC and VECC also applied for cost eligibility.

Intervention Requests of Energy Probe & VECC

On October 13, 2020 Halton Hills Hydro filed a letter objecting to the intervention requests of Energy Probe and VECC on the grounds that they do not have distinct interests and requested the OEB grant intervenor status to only one of them. Halton Hills Hydro also stated that if the OEB does grant intervenor status to both VECC and Energy Probe, the OEB should “consider limiting cost awards given the size of Halton Hills Hydro Inc. and the five (5) intervenor requests.”

With respect to VECC’s intervention request, Halton Hills Hydro also noted that VECC’s interest in the examining the Utilities Standard Forum Model was not valid because Halton Hills Hydro is not proposing to use the model in this application.

On October 14, 2020 Energy Probe filed a letter in response to Halton Hills Hydro's objection, restating its interest in this proceeding and noting that Halton Hills Hydro's objection does not provide any evidence in support of its claim that Energy Probe and VECC do not have distinct interests. Energy Probe stated that its interests in this proceeding pertain to rate impacts, capital expenditures, OM&A, load and revenue forecasts and the standby charge.

With respect to its interest, as part of its response, Energy Probe stated:

"Unlike other intervenors, whose members expect them to argue for lower rates for their particular ratepayer class, Energy Probe's members expect it to argue for equitable rates that optimize results across all ratepayers classes, by eliminating cross subsidies among the various ratepayer classes. This approach – unique to Energy Probe among all intervenors before the Board – fulfills its mandates to promote individual responsibility and accountability (i.e., Energy Probe members don't want to profit at the expense of others) as well as to inform all parties (the general public, business and government among them) in order to promote sustainable resource use."

On the matter of limiting cost awards, Energy Probe stated that it "is aware that Halton Hills Hydro is a relatively small distributor and can not afford substantial regulatory costs. If its intervention is approved, Energy Probe will co-ordinate its intervention effort with VECC to avoid any duplication and to minimize costs."

On October 15, 2020 VECC filed a letter in response to Halton Hills Hydro's objection. In its letter VECC notes that its mandate and interest with low-income consumers is associated with its representation of the Federation of Metro Tenants Association (FTMA) and the Ontario Coalition of Senior Citizens' Organizations (OCSCO). VECC states that FTMA represents customers outside of the Greater Toronto Area and across the Province. VECC argues that, as a representative of low-income ratepayers and seniors, it is uniquely different from any party seeking intervention in this proceeding.

On the matter of the applicability of the Utilities Standard Forum Model, VECC acknowledged the clarification provided by Halton Hills Hydro but also noted that in preparing its intervention request, it had conducted a high level review of the evidence and not an exhaustive review, which in VECC's view was appropriate given the stage in the proceeding. On the matter of limiting cost awards, VECC noted that it is "generally among the low cost intervenors" and stated that the objection "lacks merit but also ignores the long-standing expectation of the Board for parties to work together where they can find efficiencies."

Findings

The OEB is satisfied that Energy Probe and VECC have a “substantial interest” in this proceeding within the meaning of Rule 22.02 of the OEB’s *Rules of Practice and Procedure*. The OEB is also satisfied that Energy Probe and VECC represent different interests in this application. However, to the extent that they pursue areas of common interest, they are expected to co-ordinate their participation as is further discussed below. Each of Energy Probe and VECC are also eligible to apply for cost awards under the OEB’s [Practice Direction on Cost Awards](#).

Further, DRC, Hydro One, and SEC are also approved as intervenors. Each of DRC and SEC are also eligible to apply for an award of costs under the OEB’s [Practice Direction on Cost Awards](#). The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Cost eligible intervenors are required to focus their participation on material issues and to avoid duplication by coordinating their participation on common issues. In making its decision on cost awards, the OEB will consider if intervenors made reasonable efforts to avoid duplication and focused their participation on material issues.

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.

Issues List

It is the OEB’s expectation that parties will be best positioned to identify issues relevant to Halton Hills Hydro’s application after the applicant has responded to interrogatories. Halton Hills Hydro, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB’s consideration. The OEB will approve an issues list prior to the settlement conference.

Interrogatories

At this time, provision is being made for written interrogatories. The OEB will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor’s plans for the subsequent four years until the next scheduled rebasing application.

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 (DSP). The OEB will consider the entire five-year DSP to assess the planning and pacing proposals of the applicant and whether the test year requests are appropriately aligned with the DSP. The OEB will also consider productivity and benchmarking results in assessing cost forecasts, bill impacts and distributor performance.

Parties should not 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.

Presentation of Settlement Proposal

Following the settlement conference, provision is being made for the presentation of any settlement proposal filed by Halton Hills Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Halton Hills Hydro's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal.

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

IT IS THEREFORE ORDERED THAT:

1. OEB staff shall request any relevant information and documentation from Halton Hills Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 30, 2020**.
2. Intervenors shall request any relevant information and documentation from Halton Hills Hydro that is in addition to the evidence already filed, by written

interrogatories filed with the OEB and served on all parties by **November 2, 2020**.

3. Halton Hills Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **November 20, 2020**.
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 **November 27, 2020**.
5. A settlement conference among the parties and OEB staff will be convened on **December 14, 2020**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **December 15-16, 2020**. The settlement conference will be held virtually and information on how to participate will be communicated to intervenors later.
6. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **January 11, 2021**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **January 18, 2021**.
8. If there is no settlement proposal arising from the settlement conference, Halton Hills Hydro shall file a statement to that effect with the OEB by **January 4, 2021**. In that event, parties shall file and serve on the other parties by **January 11, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
9. The OEB is setting a tentative date of **January 21, 2021** for Halton Hills Hydro to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

All materials filed with the OEB must quote the file number, **EB-2020-0026**, be submitted in a searchable/unrestricted PDF format with a digital signature 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 registrar@oeb.ca.

All communications should be directed to the attention of the Registrar 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.

Email: registrar@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, October 16, 2020

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

Schedule A

To

Procedural Order No. 1

Halton Hills Hydro Inc.

EB-2020-0026

Applicant and List of Intervenors

October 16, 2020

**Halton Hills Hydro Inc.
EB-2020-0026**

APPLICANT & LIST OF INTERVENORS

October 16, 2020

APPLICANT

Rep. and Address for Service

Halton Hills Hydro Inc.

David Smelsky

Chief Financial Officer
Halton Hills Hydro Inc.
43 Alice Street
Acton ON L7J 2A9

Tel: 519-853-3700
Fax: 519-853-5592
dsmelsky@haltonhillshydro.com

APPLICANT COUNSEL

Richard King

Partner
Osler Hoskin & Harcourt LLP
1 First Canadian Place
Suite 6200, P.O. Box 50
Toronto ON M5X 1B8
Tel: 416-862-6626
Fax: 416-862-6666
rking@osler.com

INTERVENORS

Rep. and Address for Service

**Distributed Resource
Coalition**

Wilf Steimle

Electric Vehicle Society
265 Crawford St
Orillia ON L3V 1J9
Tel: 905-841-8163
Fax: Not Provided
wilf.steimle@evsociety.ca

**Halton Hills Hydro Inc.
EB-2020-0026**

APPLICANT & LIST OF INTERVENORS

October 16, 2020

**Distributed Resource
Coalition**

Cara Clairman

Plug'n Drive
1126 Finch Avenue West
Unit 1
North York ON M3J 3J6
Tel: 647-717-6941
Fax: Not Provided
cara@plugndrive.ca

Lisa (Elisabeth) DeMarco

Senior Partner
DeMarco Allan LLP
Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto ON M5H 2R2
Tel: 647-991-1190
Fax: 888)734-9459
Lisa@demarcoallan.com

Jonathan McGillivray

DeMarco Allan LLP
Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto ON M5H 2R2
Tel: 647-208-2677
Fax: 888-734-9459
jonathan@demarcoallan.com

**Energy Probe Research
Foundation**

Tom Ladanyi

TL Energy Regulatory Consultants Inc.
41 Divadale Drive
Toronto ON M4G 2N7
Tel: 416-423-3685
Fax: Not Provided
tom.ladanyi@rogers.com

**Halton Hills Hydro Inc.
EB-2020-0026**

APPLICANT & LIST OF INTERVENORS

October 16, 2020

**Energy Probe Research
Foundation**

Roger Higgin

SPA Inc.
15 Malabar Place
Toronto ON M3B 1A4
Tel: 416-391-0738
Fax: Not Provided
spainc@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

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Education Services Corporation
c/o Ontario Public School Boards Associa
439 University Avenue, 18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wayne.mcnally@oesc.cseo.org

Mark Rubenstein

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

**Halton Hills Hydro Inc.
EB-2020-0026**

APPLICANT & LIST OF INTERVENORS

October 16, 2020

School Energy Coalition

Jay Shepherd

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

**Vulnerable Energy
Consumers Coalition**

Mark Garner

Consultant - Project Manager
Consultant
647 Broadway Avenue
Toronto ON M4G 2S8
Tel: 647-408-4501
Fax: Not Provided
markgarner@rogers.com

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
Fax: Not Provided
jlawford@piac.ca

Bill Harper

Consultant
107 Baker Ave.
Richmond Hill ON L4C 1X5
Tel: 416-348 0193
Fax: Not Provided
bharper.consultant@bell.net