



Burlington Hydro Inc.

**Application for electricity distribution rates beginning
May 1, 2021**

**PROCEDURAL ORDER NO. 1
December 11, 2020**

Burlington Hydro Inc. (Burlington Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on October 30, 2020, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Burlington Hydro charges for electricity distribution, beginning May 1, 2021.

A Notice of Hearing was issued on November 17, 2020. Each of Consumers Council of Canada (CCC), Distributed Resource Coalition (DRC), Energy Probe Research Foundation (Energy Probe), Environmental Defence, School Energy Coalition (SEC), and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Burlington Hydro.

CCC, DRC, Energy Probe, Environmental Defence, SEC, and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. CCC, DRC, Energy Probe, Environmental Defence, 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.

Confidentiality

In a letter dated November 2, 2020, and pursuant to the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings* ([Practice Direction](#)), Burlington Hydro requested confidential treatment for certain information in the following documents:

- Information regarding assumed wage increases
 - Exhibit 4, Section 4.3.1.2
 - Exhibit 4, Section 4.3.1.4
- Personal information contained in Burlington Hydro's 2019 corporate income tax return
 - Exhibit 4, Appendix E
- Personal information – salary and benefit information
 - Exhibit 4, Section 4.3.1.4, page 173

In accordance with the OEB's Practice Direction, Burlington Hydro has provided reasons for the confidentiality request, including reasons why public disclosure of the information would be contrary to the *Freedom of Information and Protection of Privacy Act*, and why public disclosure of the information would be injurious to the collective bargaining process and financial interest of the third parties identified in the documents.

In accordance with section 4.3.1 of the OEB's Practice Direction¹ and rule 9A.02 of the OEB's *Rules of Practice and Procedure*², Burlington Hydro has requested the information contained in Exhibit 4, Appendix E and Exhibit 4, Section 4.3.1.4, page 173, regarding personal information contained in its 2019 corporate income tax return and salary information associated with a specific position not be provided to any party, including a person who has provided a Declaration and Undertaking pursuant to the OEB's Practice Direction.

At this time, provision will be made for the filing of submissions on Burlington Hydro's request for confidentiality. Counsel and consultants for intervenors that wish to have access to the un-redacted copies of Exhibit 4, Section 4.3.1.2 and Exhibit 4, Section 4.3.1.4 shall execute the OEB's [Declaration and Undertaking](#). The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Burlington Hydro. If Burlington Hydro 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 Burlington Hydro, within **5 days** from the receipt of the objection.

¹ Practice Direction on Confidential Filings, October 28, 2016, Page 6

² Ontario Energy Board – Rules of Practice and Procedure, Page 7

Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Burlington Hydro's application after the applicant has responded to interrogatories. Burlington 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. 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 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 rules 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 Burlington Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Burlington 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. Intervenors that wish to review an unredacted copies of Exhibit 4, Section 4.3.1.2 and Exhibit 4, Section 4.3.1.4 for which Burlington Hydro requests confidential treatment will sign and file the OEB's Declaration and Undertaking form.
2. Burlington Hydro will provide an unredacted copies of Exhibit 4, Section 4.3.1.2 and Exhibit 4, Section 4.3.1.4 to intervenors who signed the OEB's Declaration and Undertaking.
3. OEB staff and intervenors who wish to make written submissions on Burlington Hydro's confidentiality requests shall file such submissions with the OEB, and serve them on Burlington Hydro and all other intervenors, by **December 18, 2020**.
4. If Burlington Hydro wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all intervenors by **January 6, 2021**.
5. OEB staff and intervenors shall request any relevant information and documentation from Burlington Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **January 14, 2021**.
6. Burlington Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **February 1, 2021**.
7. 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 **February 8, 2021**.
8. A settlement conference among the parties and OEB staff will convene on **February 22, 2021**, starting at 9:30 a.m., with the objective of reaching a settlement among the parties on the issues. If necessary, the settlement conference will continue on **February 23 and 24, 2021**. Instructions on whether

the settlement conference will be an in-person event or a virtual event will be communicated later.

9. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **March 17, 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.
10. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **March 24, 2021**.
11. If there is no settlement proposal arising from the settlement conference, Burlington Hydro shall file a statement to that effect with the OEB by **March 8, 2021**. In that event, parties shall file and serve on the other parties by **March 12, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

All materials filed with the OEB must quote the file number, **EB-2020-0007**, and 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 [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at www.oeb.ca/industry. We encourage the use of RESS; however, parties who have not yet [set up an account](#), 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, Lawren Murray, at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-888-632-6273 (Toll free)

Fax: 416-440-7656

DATED at Toronto, **December 11, 2020**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
BURLINGTON HYDRO INC.
EB-2020-0007
LIST OF APPLICANT AND INTERVENORS
DATED: DECEMBER 11, 2020

Burlington Hydro Inc.

EB-2020-0007

APPLICANT & LIST OF INTERVENORS

December 11, 2020

APPLICANT

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INTERVENORS

Rep. and Address for Service

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Burlington Hydro Inc.

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APPLICANT & LIST OF INTERVENORS

December 11, 2020

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Coalition**

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APPLICANT & LIST OF INTERVENORS

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Burlington Hydro Inc.

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APPLICANT & LIST OF INTERVENORS

December 11, 2020

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December 11, 2020

**Vulnerable Energy
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