

Niagara Peninsula Energy Inc.

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

**PROCEDURAL ORDER NO. 2
January 22, 2021**

Niagara Peninsula Energy Inc. (Niagara Peninsula Energy) filed a cost of service application with the Ontario Energy Board (OEB) on August 12, 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 Niagara Peninsula Energy charges for electricity distribution, beginning January 1, 2021.

On November 19, 2020 Niagara Peninsula Energy filed its interrogatory responses which included a confidentiality request for a number of documents pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction).¹

On December 4, 2020, the OEB issued a Decision on Issues List, Confidentiality and Interim Rate Order.² The OEB agreed that some of the information in the confidentiality request should remain confidential but reserved its final decision on the request for confidentiality. The OEB directed Niagara Peninsula Energy to file a revised confidentiality request by January 7, 2021, with the understanding that the un-redacted information, if approved, will be placed on the public record.

A settlement conference took place December 9, 10, and 11, 2020. A complete settlement was reached.

On January 7, 2021, Niagara Peninsula Energy filed a settlement proposal along with responses to Clarification Questions which included Attachment 1 – Niagara Peninsula Energy's Balanced Scorecard, Niagara Peninsula Energy's Executive Total Compensation Pay Policy, and the Niagara Peninsula Energy's Executive Incentive Pay Plan. Niagara Peninsula Energy acknowledged that the responses to the Clarification

¹ Ontario Energy Board - Practice Direction on Confidential Filings, October 28, 2016

² EB-2020-0040, Decision on Issues List, Confidentiality and Interim Rate Order, December 4, 2020

Questions would be publicly available on the OEB's website. Further, two of the documents provided with the Clarification Questions had been submitted in confidence prior to the Settlement Conference.

On January 7, 2021, Niagara Peninsula Energy also filed a revised confidentiality request, containing only one document, and reiterated that this document should remain confidential.

The OEB seeks clarification from the parties to the settlement proposal whether this refiled document, for which confidentiality is requested, is required to support the settlement proposal. This refiled document was not included in Attachment 1 of the Clarifying Questions in redacted form, and Niagara Peninsula Energy indicated that it had not provided it to employees involved in the settlement conference. Further, the document and associated cover letter were filed by Niagara Peninsula Energy separate from the settlement proposal.

If the refiled document is not required to support the settlement proposal, Niagara Peninsula Energy can request the removal of the document from the public record of this proceeding. If the refiled document is required to support the settlement proposal, the OEB will address the confidentiality request in due course.

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

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Niagara Peninsula Energy Inc. will confer with the other parties to the settlement proposal and coordinate a response to the OEB regarding whether the refiled document, for which confidentiality is requested, is required to support the settlement proposal by **January 28, 2021**.

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-2020-0040**, and be submitted in a searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://p-pes.ontarioenergyboard.ca/PivotalUX/>. 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, Donald Lau, at Donald.Lau@oeb.ca and OEB Counsel, Ljuba Djurdjevic, at Ljuba.Djurdjevic@oeb.ca.

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

DATED at Toronto, **January 22, 2021**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar