



North Bay Hydro Distribution Ltd.

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

**PROCEDURAL ORDER NO. 1
February 18, 2021**

North Bay Hydro Distribution Ltd. (North Bay Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on January 5, 2021 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 North Bay Hydro charges for electricity distribution, beginning May 1, 2021.

A Notice of Hearing was issued on January 21, 2021. Donald D. Rennick, Consumers Council of Canada (CCC), Hydro One Networks Inc. (HONI), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition applied for intervenor status. Donald D. Rennick, CCC, SEC, and VECC also applied for cost eligibility.

North Bay Hydro did not object to any of the intervention requests. However, with respect to Mr. Rennick's request for cost eligibility, North Bay Hydro filed a letter stating that if the OEB were to grant Mr. Rennick's request, that it consider providing guidance on the OEB's cost awards process.

Intervention Request of Donald D. Rennick

By letter dated January 25, 2021, Donald D. Rennick applied for intervenor status and cost eligibility. In his letter Mr. Rennick states that he is a customer of North Bay Hydro and his interest in this proceeding relates to the proposed increase in delivery rates. Mr. Rennick also applied for cost eligibility under the OEB's [Practice Direction on Cost Awards](#).

On February 5, 2021, North Bay Hydro filed a letter in response to Mr. Rennick's request for intervenor status and cost eligibility. In its letter North Bay Hydro states that "Since Mr. Rennick is intervening in his individual capacity as an interested ratepayer, the Applicant submits that it would be helpful for the Ontario Energy Board (the "Board") to provide clear guidance to Mr. Rennick on its practices as it relates to cost awards for

individuals/natural persons.” North Bay Hydro also noted that as Mr. Rennick is representing himself, any early guidance on the OEB’s cost award process will assist Mr. Rennick in understanding the types of costs that may be claimed by individuals and therefore avoid any possible unfortunate outcome where his cost claims are denied, as they were in a prior proceeding¹.

Mr. Rennick is approved as an intervenor in his capacity as a customer of North Bay Hydro and is eligible for an award of costs under the OEB’s [Practice Direction on Cost Awards](#). As an individual representing his own interests, Mr. Rennick should carefully review the OEB’s [Practice Direction on Cost Awards](#) for information about the types of costs and disbursements that an individual may claim. The following information should be used as guidance for what costs may or may not be recovered in a cost award:

- Out-of-pocket costs for photocopying or for travel to attend OEB related events if required
- Any costs (out-of-pocket travel costs or otherwise) for events organized by persons other than the OEB
- While wage or salary losses incurred by an individual intervenor as a result of participating in an OEB hearing may be claimed, those individuals will not be permitted to claim fees for their own time (e.g., the time you spend preparing interrogatories, submissions, etc.) under the Cost Award Tariff
- Costs are not available in advance

The OEB may, in appropriate circumstances, award an honorarium. In making its decision the OEB will amongst other things consider, whether the individual intervenor participated responsibly, contributed to the OEB’s better understanding of one or more issues in the proceeding, made reasonable efforts to ensure that their participation in the process was not unduly repetitive and did not engage in any conduct that tended to lengthen the process unnecessarily.

Intervention Requests of CCC, HONI, SEC and VECC

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

¹ EB-2010-0102, Decision and Order on Cost Awards, May 11, 2011

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 North Bay Hydro's application after the applicant has responded to interrogatories. North Bay 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 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 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 North Bay Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. North Bay 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 North Bay Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 10, 2021**.
2. Intervenors shall request any relevant information and documentation from North Bay Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 12, 2021**.
3. North Bay Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **March 30, 2021**.
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 **April 9, 2021**.
5. A settlement conference among the parties and OEB staff will be convened on **April 20, 2021**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **April 21, 2021** and **April 22, 2021**. This will be a virtual conference and information on how to participate will be communicated to parties at a later date.

6. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **May 14, 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 **May 21, 2021**.
8. If there is no settlement proposal arising from the settlement conference, North Bay Hydro shall file a statement to that effect with the OEB by **May 28, 2021**. In that event, parties shall file and serve on the other parties by **June 4, 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 **May 31, 2021**, for North Bay 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.

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-2020-0043**, 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, Jerry Wang at Jerry.Wang@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, **February 18, 2021**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original Signed By

Christine E. Long
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
NORTH BAY HYDRO DISTRIBUTION LIMITED
EB-2020-0043
FEBRUARY 18, 2021
APPLICANT & LIST OF INTERVENORS

North Bay Hydro Distribution Limited
EB-2020-0043

APPLICANT & LIST OF INTERVENORS

February 18, 2021

APPLICANT

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**North Bay Hydro Distribution Limited
EB-2020-0043**

APPLICANT & LIST OF INTERVENORS

February 18, 2021

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INTERVENORS

Rep. and Address for Service

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APPLICANT & LIST OF INTERVENORS

February 18, 2021

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**Vulnerable Energy
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February 18, 2021

**Vulnerable Energy
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