



**Newmarket-Tay Power Distribution Ltd.**

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

**PROCEDURAL ORDER NO. 3  
March 15, 2021**

Newmarket-Tay Power Distribution Ltd. (Newmarket-Tay Power) filed an incentive rate-setting mechanism application with the Ontario Energy Board (OEB) on November 23, 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 Newmarket-Tay Power charges for electricity distribution, beginning May 1, 2021.

In Procedural Order No. 1, the OEB established deadlines for the filing of written interrogatories and responses; for written submissions by OEB staff and intervenors; and for a reply submission from Newmarket-Tay Power. The OEB received submissions from OEB staff, the intervenors and Newmarket-Tay Power.

On March 4, 2021, Newmarket-Tay Power filed its reply submission. In a separate filing that day, Newmarket-Tay Power informed the OEB and parties to this proceeding that it had become aware of new information that changed the evidence already before the OEB. Newmarket-Tay Power served and filed the new information, consisting of a draft calculation of the Holland TS 10<sup>th</sup> anniversary true-up payment amount based on information provided by Hydro One Networks Inc. on March 3, 2021 and an updated ICM model. According to Newmarket-Tay Power,

Hydro One notes that these attachments included at "Appendix A" are drafts and may change after the following two events:

- (a) The completion of quality checks by Hydro One; and
- (b) Consultation by Hydro One with NT Power to determine whether the analysis of the underlying data is correct.

These events are expected to occur over the next several weeks, depending on the schedules of the various experts of NT Power and Hydro One.

The OEB has not yet issued its decision and order in this proceeding. Rule 11.02 of the OEB's *Rules of Practice and Procedure* (Rules) states:

Where a party becomes aware of new information that constitutes a material change to evidence already before the OEB before the decision or order is issued, the party shall serve and file appropriate amendments to the evidentiary record, or serve and file the new information.

Rule 11.01(a) provides that the OEB may, on conditions it considers appropriate, permit an amendment to the evidentiary record.

The OEB will permit this amendment to the evidentiary record. The OEB does not consider it necessary to provide for an interrogatory process in respect of this updated material, but it will allow OEB staff and intervenors an opportunity to file supplementary submissions on the reliance the OEB should place on this new material in rendering a decision in this proceeding, and Newmarket-Tay Power an opportunity to reply to any such submissions.

With respect to Newmarket-Tay Power's comments about the possibility of further changes to the true-up calculation, the OEB notes that Newmarket-Tay Power's application is for a rate adjustment with an effective date of May 1, 2021. Newmarket-Tay Power's mention of "several weeks" provides no certainty as to when a further revised calculation, if any, may be available, and the OEB does not wish to delay the implementation of Newmarket-Tay Power's 2021 distribution rates and charges. If the ICM funding is approved, Newmarket-Tay Power could use the associated ICM variance accounts to track any differences between the actual ICM amount and the actual payment to Hydro One, and true-up any difference at its next rebasing application in accordance with the OEB's ICM policy<sup>1</sup>.

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

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<sup>1</sup> *Report of the OEB: New Policy Options for Funding of Capital Investments: The Advanced Capital Module*

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. Any written submissions by OEB staff and intervenors, on the March 4, 2021 Newmarket-Tay Power evidence, shall be filed with the OEB and served on all parties by **March 18, 2021**.
2. If Newmarket-Tay Power wishes to file a reply submission, it shall be filed with the OEB and served on all other parties by **March 23, 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-2020-0041**, 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](http://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](mailto: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, Margaret DeFazio at [margaret.defazio@oeb.ca](mailto:margaret.defazio@oeb.ca) and OEB Counsel, James Sidlofsky at [james.sidlofsky@oeb.ca](mailto:james.sidlofsky@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)  
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**DATED** at Toronto, **March 15, 2021**

**ONTARIO ENERGY BOARD**

*Original signed by*

Christine E. Long  
Registrar