



**Lakefront Utilities Inc.**

**Application for electricity distribution rates and other  
charges beginning January 1, 2022**

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

Lakefront Utilities Inc. (Lakefront Utilities) filed a cost of service application with the Ontario Energy Board (OEB) on April 30, 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 Lakefront Utilities charges for electricity distribution, beginning January 1, 2022.

A Notice of Hearing was issued on May 14, 2021. Each of the Cobourg Taxpayers Association (CTA), Energy Probe Research Foundation (Energy Probe), Northumberland Hills Hospital (NHH), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

On June 8, 2021, Lakefront Utilities filed a letter confirming that it does not object to the intervention requests. In its letter Lakefront Utilities also noted that as stated at Exhibit 4 of its evidence “it reserves the right to adjust the forecast of intervenor costs if additional intervenors apply for cost eligible status in the 2022 Application. Consequently, Lakefront may be required to increase the costs included in the Application based on the quantity of interrogatories received from the additional intervenors.” At this time, the OEB is not deciding on the appropriateness of Lakefront Utilities regulatory costs forecast. The appropriateness of the regulatory costs forecast will be determined by the OEB Panel that will hear this application.

CTA, Energy Probe, NHH, SEC and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. CTA, Energy Probe, NHH, SEC and VECC are also 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.

Parties should coordinate their participation on common issues to avoid duplication. In making its decision on cost awards, the OEB will consider whether cost eligible intervenors made reasonable efforts to coordinate their participation to avoid duplication.

### **Issues List**

At this time, the OEB is making provision for the development of an issues list prior to the filing of interrogatories. Lakefront Utilities, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration. Parties are encouraged to reach consensus on the proposed issues list. The OEB will approve an issues list prior to the filing of interrogatories.

### **Interrogatories**

The OEB is also making provision 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 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**

The OEB will be convening a settlement conference. Following the settlement conference, provision is being made for the filing of letters informing the OEB of the status of the settlement discussions, the presentation of any settlement proposal filed by Lakefront Utilities, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Lakefront Utilities' 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 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 and identify the issues that parties were unable to reach agreement on, by **June 25, 2021**.
2. OEB staff shall request any relevant information and documentation from Lakefront Utilities that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **July 2, 2021**.
3. Intervenors shall request any relevant information and documentation from Lakefront Utilities that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **July 5, 2021**.
4. Lakefront Utilities shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **July 23, 2021**.

5. A settlement conference among the parties and OEB staff will be convened on **August 9-10, 2021**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **August 11, 2021**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
6. **Within 48 hours** of the conclusion of the settlement conference, Lakefront Utilities shall file a letter informing the OEB of the status of the settlement discussions including whether a tentative agreement had been reached or if the parties intend to continue settlement discussions beyond the scheduled conference.
7. If there is no settlement proposal arising from the settlement conference or the subsequent settlement discussions, Lakefront Utilities shall file a statement to that effect with the OEB by **August 18, 2021**. In that event, parties shall file and serve on the other parties by **August 25, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
8. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **September 7, 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.
9. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **September 13, 2021**.
10. The OEB is setting a tentative date of **September 21, 2021, from 9:30 a.m. to 5:00 p.m.** for Lakefront Utilities to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. This will be a virtual event and 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](#).

Please quote file number, **EB-2021-0039** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance

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, Ljuba Djurdjevic at [Ljuba.Djurdjevic@oeb.ca](mailto:Ljuba.Djurdjevic@oeb.ca).

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

**DATED** at Toronto, **June 18, 2021**

**ONTARIO ENERGY BOARD**

**By delegation, before: Christine E. Long**

*Original signed by*

Christine E. Long  
Registrar

**SCHEDULE A**  
**PROCEDURAL ORDER NO. 1**  
**LAKEFRONT UTILITIES INC.**  
**EB-2021-0039**  
**APPLICANT & LIST OF INTERVENORS**

Lakefront Utilities Inc.  
EB-2021-0039

**APPLICANT & LIST OF INTERVENORS**

June 18, 2021

**APPLICANT**

**Rep. and Address for Service**

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**APPLICANT & LIST OF INTERVENORS**

June 18, 2021

**INTERVENORS**

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June 18, 2021

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June 18, 2021

**Northumberland Hills  
Hospital**

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June 18, 2021

**Vulnerable Energy  
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