



Brantford Power Inc.

**Application for electricity distribution rates beginning
January 1, 2022**

**PROCEDURAL ORDER NO. 1
June 30, 2021**

Brantford Power Inc. (Brantford Power) filed a cost of service application with the Ontario Energy Board (OEB) on May 12, 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 Brantford Power charges for electricity distribution, beginning January 1, 2022.

A Notice of Hearing was issued on May 27, 2021. Each of Energy+ Inc. (Energy+), Energy Probe Research Foundation (Energy Probe), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. Energy Probe, SEC and VECC applied for cost eligibility.

No objection was received from Brantford Power.

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

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.

Confidentiality

By letter dated May 12, 2021, Brantford Power requested confidential treatment for the entire compensation schedule at Exhibit 4, Attachment 4-M and for certain information in Exhibit 4, Attachment 4-K - Korn Ferry Compensation Presentation.

Brantford Power provided reasons for the confidentiality request and why public disclosure of the information would be detrimental to Brantford Power. Brantford Power also stated that Exhibit 4, Attachment 4-K - *Korn Ferry Compensation Presentation* contains personal information as defined in section 2(1) of the *Freedom of Information and Protection of Privacy Act* and requested that it be kept confidential and not be disclosed even to parties that sign the OEB's [Declaration and Undertaking](#).

At this time, the OEB is making provision for submissions on Brantford Power's request for confidentiality for Attachment 4-M and its request to not disclose the information in Attachment 4-K to parties that sign the OEB's Declaration and Undertaking. Counsel and consultants for intervenors that wish to make submissions on the request for confidentiality for the information in Attachment 4-M - Compensation Schedule, shall be granted access to the un-redacted documents provided they have executed the OEB's Declaration and Undertaking. The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Brantford Power. If Brantford Power 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 Brantford Power, within 5 days from the receipt of the objection.

Issues List

At this time, the OEB is making provision for the development of an issues list prior to the filing of interrogatories. Brantford Power, 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 Brantford Power, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Brantford Power'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. Counsel and consultants for intervenors that wish to make submissions on the request for confidentiality for the information in Attachment 4-M - Compensation Schedule, shall be granted access to the un-redacted documents provided they have executed the OEB's [Declaration and Undertaking](#). The signed Declaration

and Undertaking shall be filed with the OEB and a copy shall be delivered to Brantford Power. If Brantford Power 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 Brantford Power, within 5 days from the receipt of the objection.

2. OEB staff and intervenors wishing to make submissions on Brantford Power's confidentiality requests shall file their written submissions with the OEB and serve them on Brantford Power and all intervenors, by **July 14, 2021**.
3. If Brantford Power wishes to respond to the submissions of OEB staff and intervenors, it shall file its written reply submission with the OEB and serve it on all intervenors by **July 16, 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 and identify the issues that parties were unable to reach agreement on, by **July 8, 2021**.
5. OEB staff shall request any relevant information and documentation from Brantford Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on Brantford Power and all intervenors by **July 19, 2021**.
6. Intervenors shall request any relevant information and documentation from Brantford Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all intervenors by **July 21, 2021**.
7. Brantford Power shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **August 9, 2021**.
8. A settlement conference among the parties and OEB staff will be convened on **August 30, 2021**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **August 31 and September 1, 2021**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
9. **Within 48 hours** of the conclusion of the settlement conference, Brantford Power 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.

10. If there is no settlement proposal arising from the settlement conference or the subsequent settlement discussions, Brantford Power shall file a statement to that effect with the OEB by **September 7, 2021**. In that event, parties shall file and serve on the other parties by **September 13, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
11. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **September 22, 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.
12. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **September 29, 2021**.
13. The OEB is setting a tentative date of **October 4, 2021, from 9:30 a.m. to 12:00 p.m.** for Brantford Power 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-2021-0009** 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 for assistance

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 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, Georgette Vlahos at Georgette.Vlahos@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **June 30, 2021**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original Signed By

Christine E. Long
Registrar

SCHEDULE A

LIST OF APPLICANT AND INTERVENORS

BRANTFORD POWER INC.

PROCEDURAL ORDER NO. 1

EB-2021-0009

DATED : JUNE 30, 2021

**Brantford Power Inc. – Cost of Service Application
EB-2021-0009**

APPLICANT & LIST OF INTERVENORS

June 30, 2021

APPLICANT

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INTERVENORS

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**Brantford Power Inc. – Cost of Service Application
EB-2021-0009**

APPLICANT & LIST OF INTERVENORS

June 30, 2021

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School Energy Coalition

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**Brantford Power Inc. – Cost of Service Application
EB-2021-0009**

APPLICANT & LIST OF INTERVENORS

June 30, 2021

School Energy Coalition

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**Vulnerable Energy
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