



**Grimsby Power Inc.**

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

**PROCEDURAL ORDER NO. 1  
September 10, 2021**

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

A Notice of Hearing was issued on August 13, 2021. Each of Niagara Peninsula Energy Inc. (NPEI), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. SEC and VECC also applied for cost eligibility.

No objection was received from Grimsby Power.

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

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**

At this time, the OEB is making provision for the development of an issues list prior to the filing of interrogatories. Grimsby 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.

## Settlement Conference

The OEB is also making provision for a settlement conference. Following the settlement conference, the OEB is making provision for the filing of letters informing the OEB of the status of the settlement discussions, submissions if there is no settlement and the filing of a settlement proposal by Grimsby Power, if any. Following the filing of a settlement proposal, the OEB may make provision for the presentation of any 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 **September 16, 2021**.

2. OEB staff shall request any relevant information and documentation from Grimsby Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 30, 2021**.
3. Intervenors shall request any relevant information and documentation from Grimsby Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 5, 2021**.
4. Grimsby Power shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **October 25, 2021**.
5. A settlement conference among the parties and OEB staff will be convened on **November 8, 2021**, starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the settlement conference will continue on **November 9-10, 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, Grimsby 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 propose to continue the settlement discussions.
7. If there is no settlement proposal arising from the settlement conference, Grimsby Power shall file a statement to that effect with the OEB by **November 24, 2021**. In that event, parties shall file and serve on the other parties by **December 1, 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 **December 6, 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 **December 13, 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](#).

Please quote file number, **EB-2021-0027** 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 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, Shuo Zhang at [Shuo.Zhang@oeb.ca](mailto:Shuo.Zhang@oeb.ca) and OEB Counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **September 10, 2021**

**ONTARIO ENERGY BOARD**

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

*Original signed by*

Christine E. Long  
Registrar

**SCHEDULE A**

**LIST OF APPLICANT AND INTERVENORS**

**EB-2021-0027**

**GRIMSBY POWER INCORPORATED**

**SEPTEMBER 10, 2021**

**Grimsby Power Incorporated  
EB-2021-0027**

**APPLICANT & LIST OF INTERVENORS**

September 10, 2021

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**APPLICANT**

**Rep. and Address for Service**

**Grimsby Power Incorporated**

**Amy La Selva**

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**APPLICANT COUNSEL**

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**INTERVENORS**

**Rep. and Address for Service**

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Inc.**

**Suzanne Wilson**

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**Grimsby Power Incorporated  
EB-2021-0027**

**APPLICANT & LIST OF INTERVENORS**

September 10, 2021

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**School Energy Coalition**

**Ted Doherty**

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**Vulnerable Energy  
Consumers Coalition**

**Bill Harper**

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**APPLICANT & LIST OF INTERVENORS**

September 10, 2021

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**Vulnerable Energy  
Consumers Coalition**

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