



Elexicon Energy Inc.

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

**PROCEDURAL ORDER NO. 1
October 6, 2021**

Elexicon Energy Inc. (Elexicon) filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) on August 18, 2021 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) seeking approval for changes to its electricity distribution rates to be effective January 1, 2022.

A Notice of Hearing was issued on September 1, 2021. Each of School Energy Coalition (SEC), Vulnerable Energy Consumers Coalition (VECC), the Consumer Council of Canada (CCC), Low Income Energy Network (LIEN) and the Mississaugas of Scugog Island First Nation (MSIFN) and Power Workers Union (PWU) applied for intervenor status. SEC, VECC, LIEN, MSIFN also applied for cost eligibility.

The OEB's review of IRM applications is a streamlined process because IRM applications are narrowly scoped and typically involve a formulaic adjustment to distribution rates. In this application, Elexicon has also applied for approval of incremental funding for certain capital projects under the OEB's Incremental Capital Module (ICM) framework.

Intervention Request of LIEN

Elexicon filed a letter objecting to the intervention request of LIEN. Elexicon submitted that LIEN did not have a substantial interest in this proceeding because the issues that LIEN wished to pursue, such as related to the review of Elexicon's Distribution System Plan, were beyond the scope of this IRM proceeding. Based on this clarification, LIEN withdrew its intervention and cost eligibility request.

Intervention Request of MSIFN

By letter dated September 22, 2021, MSIFN applied for intervenor and cost eligibility. In its letter MSIFN stated that its interest in this IRM application is relate to the following:

- a. The appropriateness of the proposed Incremental Capital Module
- b. The Applicant's consolidated Utility System Plan;
- c. The Applicant's approach to consulting MSIFN with respect to this application and future applications for Crown approvals;
- d. All other components of the Application; and
- e. Generally, to represent the Aboriginal rights interests of MSIFN and its members.

With respect to its concerns in the current application, MSIFN stated that "Elexicon is consulting with MSIFN on one of the projects included in the Incremental Capital Module (ICM) included in this Application, with respect to an Indigenous burial site: the specific project is referred to as the Seaton Transformer Station ("Seaton TS") – a new 230/27.6 kV transformer 10 station required to serve the growing load in the Pickering area."

The OEB is satisfied that MSIFN has a "substantial interest" in this proceeding within the meaning of Rule 22.02 of the OEB's *Rules of Practice and Procedure*. However, the OEB requires that MSIFN file additional information articulating its interest in the issues before the OEB in this application and for which the OEB Panel has the authority to make a determination. Specifically, the OEB requires additional details on MSIFN's issue of interest related to Elexicon's "approach to consulting MSIFN with respect to this application and future applications for Crown approvals". As noted above, IRM proceedings are narrowly scoped proceedings and the additional information from MSIFN will allow the OEB to establish the scope of this proceeding. The OEB Panel hearing this application will make a decision on whether all of the issues raised by MSIFN will be addressed in this proceeding. MSIFN is eligible to apply for cost awards under the OEB's *Practice Direction on Cost Awards* but only in relation to Elexicon's proposal for incremental capital funding.

Intervention Requests of SEC, VECC, PWU and CCC

SEC, VECC, PWU and CCC are approved as intervenors. SEC, VECC, and CCC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards* but only in relation to Elexicon's proposal for incremental capital funding.

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.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

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. MSIFN shall file additional information explaining how item (c) of its letter of intervention (“The Applicant’s approach to consulting MSIFN with respect to this application and future applications for Crown approvals”) fits within the issues the OEB can consider in this IRM/ICM application”. MSIFN shall file the additional information with the OEB and serve it on all parties by **October 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-2021-0015** 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, Birgit Armstrong at birgit.armstrong@oeb.ca and OEB Counsel, Ian Richler at Ian.Richler@oeb.ca

Email: registrar@oeb.ca

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

DATED at Toronto, October 6, 2021

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

SCHEDULE A
LIST OF APPLICANT AND PARTICIPANTS

EB-2021-0015

Elexicon Energy Inc.

DATED: October 6, 2021

Elexicon Energy Inc.

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APPLICANT & LIST OF INTERVENORS

October 06, 2021

APPLICANT

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APPLICANT & LIST OF INTERVENORS

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