



**Generic Hearing on Uniform Transmission Rates-
Related Issues and the Export Transmission Service
Rate**

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

The Ontario Energy Board (OEB) is holding a public hearing on its own motion under sections 19, 21 and 78 of the OEB Act to consider various issues related to Ontario's Uniform Transmission Rates (UTR). The first phase of the hearing will focus on reviewing and setting the Export Transmission Service (ETS) rate. Other UTR-related issues will be considered in a subsequent phase or phases of the hearing.

A Notice of Hearing was issued on October 15, 2021.

Intervention and Cost Eligibility

Each of Association of Power Producers of Ontario (APPo), Entegrus Powerlines Inc. (Entegrus), Hydro One Networks Inc. (HONI) and Niagara-on-the-Lake Hydro Inc. (NOTL Hydro) applied for intervenor status. APPo also applied for cost eligibility.

APPo, Entegrus, HONI and NOTL Hydro are approved as intervenors. APPo is approved for cost awards under the OEB's [Practice Direction on Cost Awards](#).

The Notice of Hearing provided that the OEB will deem intervenors in Hydro One's 2023-2027 Joint Rate Application (EB-2021-0110) who indicated their intent to participate in this hearing to be intervenors in this hearing. The Notice of Hearing also stated that the OEB will grant to any such intervenors the same cost eligibility status as was granted in EB-2021-0110.

The following intervenors in the Joint Rate Application proceeding indicated their intent to participate in this Generic UTR Issues Hearing:

- Anwaatin Inc. (Anwaatin)
- Association of Major Power Consumers in Ontario (AMPCO)
- Consumers Council of Canada (CCC)
- Canadian Manufacturers & Exporters (CME),

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- Energy Probe Research Foundation (Energy Probe)
 - ENWIN Utilities Ltd. (ENWIN)
 - The Independent Electricity System Operator (IESO)
 - London Property Management Association (LPMA)
 - Ontario Power Generation Inc. (OPG)
 - Pollution Probe
 - Power Workers' Union (PWU)
 - School Energy Coalition (SEC)
 - Vulnerable Energy Consumers Coalition (VECC)

All of the intervenors in Hydro One's joint rate application proceeding listed above are approved as intervenors in the Generic UTR Issues Hearing.

All of the intervenors in Hydro One's joint rate application proceeding listed above are approved for the same cost eligibility status as was granted in EB-2021-0110.

For clarity, the following intervenors among those listed above were granted cost eligibility in the Joint Rate Application proceeding and are granted the same cost eligibility status in this Generic UTR Issues Hearing: Anwaatin, AMPCO, CCC, CME, Energy Probe, LPMA, Pollution Probe, SEC, and VECC.

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

Issues List

OEB staff has prepared a draft Issues List (Draft Issues List) which is attached to this Procedural Order and which is designed to elicit views on key issues of interest related to the first phase of the hearing. The Draft Issues List includes sub questions under a heading entitled "considerations for input". These sub questions are meant to illustrate the kind of considerations that would be covered under each issue, however the Decision at the conclusion of this proceeding would be expected to ultimately answer only the top line, bolded issue.

The OEB will use a two-stage process to seek input. Intervenors are invited to file written submissions on the Draft Issues List. Following these submissions, all parties (including OEB staff) will have an opportunity to provide additional comments regarding the submissions of other parties. After considering these comments, the OEB will render a decision on the Issues List to define the scope of this proceeding.

Schedule

The OEB has attached two potential hearing schedules in Schedule C. The two schedules are the same until the date for interrogatory responses on Hydro One and IESO evidence. Beyond that date, the two schedules differ, depending on whether OEB staff or intervenor evidence is filed in the proceeding. If OEB staff or intervenor evidence is not filed, some subsequent procedural steps will take place earlier than if OEB staff or intervenor evidence is filed. Each potential hearing schedule is presented below; the OEB will provide clarification on which schedule applies once any plans for OEB staff and intervenor evidence become known and the OEB has determined whether it will accept any proposed evidence from OEB staff or intervenors. The schedules were developed with the aim of reducing overlap with key procedural milestones in Hydro One's 2023-2027 Joint Rate Application proceeding, while facilitating timelines for setting 2023 Uniform Transmission Rates. Most of the intervenors in this proceeding are also active in the Joint Rate Application proceeding, whether as intervenors or, in the case of Hydro One, as the applicant. The schedules for this proceeding were developed to help participants manage their resources between the two proceedings. The proposed timelines in this proceeding differ somewhat from typical hearing timelines, in consideration of the resources that participants will share in common between the two proceedings.

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:

Issues List

1. Intervenors may file written submissions on the Draft Issues List, attached as Schedule B to this Procedural Order, with the OEB and serve them on all parties by **December 16, 2021**.
2. OEB staff and intervenors may file any additional comments on the Draft Issues List, in reply to the submissions of other parties, with the OEB and serve them on all parties by **January 20, 2022**.

Intervenor Evidence

3. OEB staff shall inform the OEB by letter of any plans to file expert evidence in this proceeding by **March 10, 2022**.

4. Intervenors shall inform the OEB by letter of any plans to file expert evidence in this proceeding, and the estimated costs including assumptions regarding the participation of the expert in the proceeding and incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence **by March 24, 2022**. The OEB expects that intervenors representing the same interests or class of persons will make efforts to coordinate any expert evidence filed in this proceeding as appropriate.
5. If OEB staff or any intervenor would like to file evidence that is relevant to this proceeding, that evidence shall be filed with the OEB, and copied to intervenors, **by May 27, 2022**.

Interrogatories on Hydro One and IESO Evidence

6. OEB staff and intervenors shall request any relevant information and documentation from Hydro One and the IESO that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **March 28, 2022**. The OEB expects that intervenors representing the same interests or class of persons will make efforts to coordinate their interrogatories in this proceeding.
7. Hydro One and the IESO shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **May 13, 2022**.

Interrogatories on Intervenor or OEB Staff Evidence

8. OEB staff and intervenors shall request any relevant information and documentation with respect to any evidence filed by OEB staff or any intervenor that is in addition to the evidence filed by written interrogatories filed with the OEB and served on all parties by **June 17, 2022**. The OEB expects that intervenors representing the same interests or class of persons will make efforts to coordinate their interrogatories in this proceeding.
9. OEB staff or intervenors that receive interrogatories on their evidence shall file with the OEB complete responses to the interrogatories and copy the responses to intervenors by **July 8, 2022**.

Technical Conference to Clarify Interrogatory Responses

10. If OEB staff or intervenor evidence is filed: A transcribed technical conference to clarify interrogatory responses on Hydro One and IESO evidence and on OEB staff or intervenor evidence will be held on **July 28, 2022** starting at 9:30 a.m. If necessary, the technical conference will continue on **July 29, 2022**. OEB staff and intervenors shall file with the OEB a list of the interrogatories that they will focus on at the technical conference, and time estimates by **July 20, 2022**. This event will likely be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date.
11. If no OEB staff or intervenor evidence is filed: A transcribed technical conference to clarify interrogatory responses on Hydro One and IESO evidence will be held on **June 6, 2022** starting at 9:30 a.m. and will continue on **June 7, 2022** if necessary. OEB staff and intervenors shall file with the OEB a list of the interrogatories that they will focus on at the technical conference, and time estimates by **May 25, 2022**. This event will likely be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date.

Untranscribed Discussion Among Parties

12. If OEB staff or intervenor evidence is filed: An untranscribed discussion among parties will be held on **August 8, 2022** starting at 9:30 a.m. If necessary, the discussion will continue on **August 9 and 10, 2022**. The discussion is being held on a pilot basis and is intended to facilitate free and open communication among parties in a comparatively casual environment before filing written submissions. It is hoped that the discussion will provide parties with a forum to help synthesize the evidence of the proceeding, to share perspectives and to discuss options, preferences, opportunities, pitfalls and other related items of interest.
13. If no OEB staff or intervenor evidence is filed: An untranscribed discussion among parties will be held on **June 15, 2022** starting at 9:30 a.m. If necessary, the discussion will continue on **June 16 and 17, 2022**. The discussion is intended to facilitate free and open communication among parties in a comparatively casual environment before filing written submissions. It is hoped that the discussion will provide parties with a forum to help synthesize the evidence of the proceeding, to share perspectives and to discuss options, preferences, opportunities, pitfalls and other related items of interest.

Submissions

14. If OEB staff or intervenor evidence is filed: Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by **September 2, 2022**.
15. If OEB staff or intervenor evidence is filed: Any additional submissions from OEB staff and intervenors, in reply to the submissions of other parties, shall be filed with the OEB and served on all parties by **September 23, 2022**.
16. If no OEB staff or intervenor evidence is filed: Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by **July 8, 2022**.
17. If no OEB staff or intervenor evidence is filed: Any additional submissions from OEB staff and intervenors, in reply to the submissions of other parties, shall be filed with the OEB and served on all parties by **July 29, 2022**.

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-2021-0243** 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, Andrew Pietrewicz at Andrew.Pietrewicz@oeb.ca and OEB Counsel, James Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **November 30, 2021**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

SCHEDULE A
LIST OF APPLICANTS AND INTERVENORS
GENERIC UTR ISSUES HEARING –
EXPORT TRANSMISSION SERVICE RATE
EB-2021-0243
November 30, 2021

Ontario Energy Board
EB-2021-0243

APPLICANT & LIST OF INTERVENORS

November 30, 2021

APPLICANT

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Ontario Energy Board

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Ontario Energy Board
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APPLICANT & LIST OF INTERVENORS

November 30, 2021

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November 30, 2021

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November 30, 2021

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Ontario Energy Board
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APPLICANT & LIST OF INTERVENORS

November 30, 2021

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Ontario Energy Board
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APPLICANT & LIST OF INTERVENORS

November 30, 2021

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SCHEDULE B
DRAFT ISSUES LIST
GENERIC UTR ISSUES HEARING –
EXPORT TRANSMISSION SERVICE RATE
EB-2021-0243
November 30, 2021

**Schedule B:
Generic UTR Issues Hearing
Export Transmission Service Rate Draft Issues List**

1. Is it appropriate to continue to rely on an Export Transmission Service (ETS) rate and on Intertie Congestion Pricing (ICP) to charge for export service?

Considerations for input:

- 1.1. How do the ETS and ICP relate? Are the ETS and ICP complementary? Does one duplicate or thwart the other?
- 1.2. How do ICP revenues contribute towards paying for the use of the transmission system in Ontario to deliver electricity to outside of Ontario? Is this appropriate?
- 1.3. How do ETS revenues contribute towards paying for the use of the transmission system in Ontario to deliver electricity to outside of Ontario? Is this appropriate?
- 1.4. Is it necessary to rely on both? What are the pros and cons of retaining both?
- 1.5. Are there any other important considerations related to the relationship between the ETS rate and ICP that require OEB attention?

2. Would it be appropriate to rely on ICP in lieu of an ETS rate to charge for export service?

Considerations for input:

- 2.1. What would be the advantage for Ontario ratepayers and export transmission service users of relying on ICP in lieu of an ETS rate to charge for export service?
- 2.2. What would be the disadvantage for Ontario ratepayers and export transmission service users of relying on ICP in lieu of an ETS rate to charge for export service?
- 2.3. Would relying on ICP (in lieu of the ETS rate) present risk (e.g., financial risk) to Ontario ratepayers and to those who use the transmission system in Ontario to deliver electricity to outside of Ontario? Would such risk be appropriate?
- 2.4. What protections, if any, exist now and/or ought to exist for Ontario ratepayers and export transmission service users if Ontario were to rely on ICP in lieu of an ETS rate?

- 2.5. What transition or implementation matters would be necessary before Ontario could rely on ICP in lieu of an ETS rate?
 - 2.6. What, if anything, would be an appropriate role for the OEB in the area of export service if Ontario were to rely on ICP in lieu of an ETS rate?
 - 2.7. Are there other important issues related to ICP that require OEB attention?
- 3. If an ETS rate were to continue to exist alongside ICP, would a cost-based approach be appropriate for setting the ETS rate (i.e., instead of a directional or settlement-based approach?)**

Considerations for input:

Background: Hydro One retained Elenchus to prepare an ETS cost allocation study (the 2021 Elenchus Study). The study has been filed as part of this proceeding. It supplements the study prepared by Elenchus for Hydro One in 2014.

- 3.1. If an ETS rate were to continue to exist alongside the ICP, and if the ETS rate reflected a cost-based approach, would the approach identified in the Elenchus 2021 study be appropriate? For example:
 - 3.1.1 Allocating a portion of the capital costs of shared assets to exporters: Would the approach identified in the 2021 Elenchus study for allocating shared network asset-related costs to exports be appropriate?
 - 3.1.2 Allocating a portion of external revenues to exporters: Should exporters be allocated a portion of external revenues received by Ontario transmitters related to the use of Shared Network Asset-related assets? If so, would the related approach identified in the 2021 Elenchus study be appropriate?
 - 3.1.3 Allocating a portion of the capital and OM&A costs of interconnection assets to domestic customers: Should a portion of interconnection assets, asset related costs, and OM&A be allocated to the domestic class? If so, would the related approach identified in the 2021 Elenchus study be appropriate?
- 3.2. Are there other important issues raised in the 2021 Elenchus study that require OEB attention?

4. If ETS were to continue to exist alongside ICP, what other methods for setting the ETS should be considered?

Considerations for input:

- 4.1. What would be the advantage and/or disadvantage for Ontario ratepayers and export transmission service users of continuing to rely on a directional/settlement-based approach for setting the ETS rate?
- 4.2. Would continuing to rely on a directional/settlement-based approach for setting the ETS rate present risk to Ontario ratepayers and to those who use the transmission system in Ontario to deliver electricity to outside of Ontario? Would such risk be appropriate?
- 4.3. Are there other approaches that would be appropriate for setting the ETS rate aside from a cost-based approach or a directional/settlement-based approach (“value based”, or “market based” for example)? What are their pros, cons, risks and other key considerations?
- 4.4. Are there other important issues related to alternative methods for setting the ETS rate that require OEB attention?

5. Are there other key issues the OEB should consider related to the Export Transmission Service Rate?

Considerations for input:

- 5.1. What, if any, other key issues should the OEB should consider with respect to the Export Transmission Service Rate?
- 5.2. Why are the issues important?
- 5.3. How should the issues be prioritized?
- 5.4. What should be done about them, how, when and by whom?

SCHEDULE C
HEARING SCHEDULE
GENERIC UTR ISSUES HEARING –
EXPORT TRANSMISSION SERVICE RATE
EB-2021-0243
November 30, 2021

**Schedule C:
Generic UTR Issues Hearing
Export Transmission Service Rate
Hearing Schedule**

Line reference	Procedural event	Date of procedural event	
(a)	Submissions on Draft Issues List	December 16, 2021	
(b)	Reply submissions on Draft Issues List	January 20, 2022	
(c)	OEB staff inform of any plans to file evidence	March 10, 2022	
(d)	Intervenors inform of any plans to file evidence	March 24, 2022	
(e)	Interrogatories on Hydro One and IESO Evidence	March 28, 2022	
(f)	Interrogatory responses on Hydro One and IESO Evidence	May 13, 2022	
(g)		If OEB staff or intervenor evidence is filed:	If OEB staff or intervenor evidence is not filed:
(h)	OEB staff or intervenor evidence filed	May 27, 2022	-
(i)	Interrogatories on OEB Staff or Intervenor Evidence	June 17, 2022	-
(j)	Interrogatory responses on OEB Staff or Intervenor Evidence	July 8, 2022	-
(k)	List of interrogatories for focus at technical conference and time estimates	July 20, 2022	May 25, 2022
(l)	Transcribed technical conference	July 28 - 29, 2022	June 6 - 7, 2022
(m)	Untranscribed discussion among parties	August 8 -10, 2022	June 15 - 17, 2022
(n)	Submissions	September 2, 2022	July 8, 2022
(o)	Reply submissions	September 23, 2022	July 29, 2022