



**E.L.K. Energy Inc.**

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

**PROCEDURAL ORDER NO. 1  
March 22, 2022**

E.L.K. Energy Inc. (E.L.K. Energy) filed a cost of service application with the Ontario Energy Board (OEB) on February 4, 2022 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 E.L.K. Energy charges for electricity distribution, beginning May 1, 2022.

A Notice of Hearing was issued on February 24, 2022. Each of School Energy Coalition (SEC), Vulnerable Energy Consumers Coalition (VECC) and Hydro One Networks Inc. (Hydro One) applied for intervenor status. SEC and VECC also applied for cost eligibility.

No objection was received from E.L.K. Energy .

SEC, Hydro One and VECC are approved as intervenors. SEC and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

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. E.L.K. Energy, 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**

At this time, provision is being made 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 is making provision for 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 E.L.K. Energy, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. E.L.K. Energy'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. 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 by **March 30, 2022**.
2. OEB staff and intervenors shall request any relevant information and documentation from E.L.K. Energy that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **April 7, 2022**.
3. E.L.K. Energy shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **April 28, 2022**.
4. A settlement conference among the parties and OEB staff will be convened on **May 11-12, 2022**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **May 13, 2022**. This will be a virtual event and information on how to participate will be provided at a later date.
5. **Within 48 hours** of the conclusion of the settlement conference, E.L.K. Energy 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.
6. If there is no settlement proposal arising from the settlement conference, E.L.K. Energy shall file a statement to that effect with the OEB by **May 20, 2022**. In that event, parties shall file and serve on the other parties by **May 27, 2022**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
7. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **June 3, 2022**. 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.

8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **June 10, 2022**.
9. The OEB is setting a tentative date of **June 20, 2022, at 9:30 a.m.** for E.L.K. Energy to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. 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-2021-0016** 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 [File documents online 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.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

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, Donald Lau at [Don.Lau@oeb.ca](mailto:Don.Lau@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: 1-877-632-2727 (Toll free)

**DATED** at Toronto, **March 22, 2022**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**

**PROCEDURAL ORDER NO. 1**

**E.L.K. ENERGY INC.**

**EB-2021-0016**

**APPLICANT & LIST OF INTERVENORS**

**E.L.K. Energy Inc.  
EB-2021-0016**

**APPLICANT & LIST OF INTERVENORS**

March 22, 2022

**APPLICANT**

**Rep. and Address for Service**

**E.L.K. Energy Inc.**

**Cheryl Tratechaud**

Chief Financial Officer & Director, Stakeholder  
Relations

E.L.K. Energy Inc.

172 Forest Avenue

Essex, ON N8M 3E4

Tel: 519-776-5291

[ctratechaud@elkenenergy.com](mailto:ctratechaud@elkenenergy.com)

**APPLICANT COUNSEL**

**John Vellone**

Legal Counsel

Borden Ladner Gervais LLP

Bay Adelaide Centre, East Tower

22 Adelaide Street West

Toronto ON M5H 4E3

Tel: 416-367-6730

Fax: 416-367--6749

[jvellone@blg.com](mailto:jvellone@blg.com)

**INTERVENORS**

**Rep. and Address for Service**

**Hydro One Networks Inc.**

**Eryn MacKinnon**

Senior Regulatory Coordinator

Hydro One Networks Inc.

483 Bay Street

7th Floor, South Tower

Toronto ON M5G 2P5

Tel: 416-345-5866

Fax: 416-345-5395

[regulatory@hydroone.com](mailto:regulatory@hydroone.com)

**E.L.K. Energy Inc.**  
**EB-2021-0016**

**APPLICANT & LIST OF INTERVENORS**

March 22, 2022

**School Energy Coalition**

**Ted Doherty**

Executive Director  
Ontario Education Services Corporation  
c/o Ontario Public School Boards Association  
439 University Avenue, Suite 1850  
Toronto ON M5G 1Y8  
Tel: 416-340-2540  
[SEC@oesc-cseo.org](mailto:SEC@oesc-cseo.org)

**Mark Rubenstein**

Counsel  
Shepherd Rubenstein Professional Corporation  
2200 Yonge Street, Suite 1302  
Toronto ON M4S 2C6  
Tel: 647-483-0113  
Fax: 416-483-3305  
[mark@shepherdrubenstein.com](mailto:mark@shepherdrubenstein.com)

**Fred Zheng**

Associate Lawyer  
Shepherd Rubenstein Professional Corporation  
2200 Yonge Street, Suite 1302  
Toronto ON M4S 2C6  
Tel: 647-483-0114  
Fax: 416-438-3305  
[fred@shepherdrubenstein.com](mailto:fred@shepherdrubenstein.com)

**Vulnerable Energy  
Consumers Coalition**

**John Lawford**

Counsel  
Public Interest Advocacy Centre  
2-285 McLeod Street  
Ottawa ON K2P 1A1  
Tel: 613-562-4002 Ext: 125  
[jlawford@piac.ca](mailto:jlawford@piac.ca)



**E.L.K. Energy Inc.  
EB-2021-0016**

**APPLICANT & LIST OF INTERVENORS**

**March 22, 2022**

**Vulnerable Energy  
Consumers Coalition**

**Mark Garner**

Consultant - Project Manager  
Consultant

647 Broadway Avenue

Toronto ON M4G 2S8

Tel: 647-408-4501

[markgarner@rogers.com](mailto:markgarner@rogers.com)

**Bill Harper**

Consultant

107 Baker Ave.

Richmond Hill ON L4C 1X5

Tel: 416-348-0193

[bharper.consultant@bell.net](mailto:bharper.consultant@bell.net)