



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

**DECISION ON EXPERT EVIDENCE AND PROCEDURAL ORDER NO. 2  
April 1, 2022**

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.

Procedural Order No. 1, issued on November 30, 2021, included a Draft Issues List in Schedule B and two potential hearing schedules in Schedule C. A Decision on Issues List was issued on January 28, 2022. The OEB advised in PO No. 1 that it would provide clarification on which hearing schedule applies once plans for OEB staff and intervenor evidence became known and whether the proposed evidence would be accepted.

On March 9, 2022, OEB staff confirmed that it will not be filing expert evidence in this proceeding. On March 24, 2022, the Association of Power Producers of Ontario (APPrO) advised the OEB of its proposal to file expert evidence and the estimated cost of approximately \$45,000 (not including disbursements or taxes). That estimate included assumptions regarding the participation of the experts in the proceeding and an incremental cost of approximately \$10,000 (not including disbursements or taxes) in legal fees.

APPrO advised that its proposed expert evidence would include a brief summary of the evidence filed on the record in this and prior ETS proceedings, but the principal focus of the evidence would be to prepare a statistical analysis on the sensitivity of Ontario exports to price changes, together with an analysis of the impact of such price changes on intertie congestion revenues and the other ratepayer benefits derived from exports.

No other intervenors advised that they intended to file expert evidence.

## **Findings**

The OEB accepts the proposal by APPrO to file expert evidence in this proceeding. The OEB also accepts that the quantitative analysis proposed by APPrO could be informative in determining the ETS rate, and that a total proposed cost of \$45,000 (not

including disbursements or taxes) seems to be a reasonable quantum for preparing and presenting the evidence described. Nevertheless, the OEB's acceptance of the reasonability of this cost estimate should not be construed as an approved cost claim for APPrO. The OEB will also consider reasonable costs for participation at the Presentation Day when it assesses the actual cost claim by APPrO. The OEB notes that APPrO will fund costs that are incremental to OEB's tariff for cost awards.

APPrO has stated that Mr. Lusney and Mr. Yauch have considerable expertise in energy market analysis, regulatory affairs, generation development, system planning, market assessment and energy policy analysis. The OEB is prepared to accept both Mr. Lusney and Mr. Yauch as experts in energy market and energy policy analysis for this evidence, and will proceed on that basis. It is not clear whether Mr. Lusney or Mr. Yauch are experts in regulatory affairs, but the OEB concludes this is not required for this evidence. Previous appearances before a regulatory tribunal provide helpful experience in regulatory affairs, but do not necessarily qualify a person as an expert in the field.

The OEB has concluded that Hydro One will pay the costs for this evidence, consistent with the approach that would have occurred if the OEB had proceeded to hear the ETS issue within the Hydro One joint rate application (EB- 2021-0110).

### **Presentation Day**

The OEB is making provision for a transcribed presentation of the evidence to the OEB panel, prior to the untranscribed discussion among parties as set out in the order below. While members of the public, parties to this proceeding and OEB staff may attend the presentation, the purpose of the presentation is not to provide an opportunity for cross-examination, but rather for Hydro One, IESO and APPrO to present an overview of their evidence to the OEB panel and to respond to any questions of clarification by the OEB panel.

Further procedural orders may be issued by the OEB.

### **THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:**

#### **Intervenor Evidence**

1. APPrO shall file evidence that is relevant to this proceeding with the OEB, and shall provide copies to all parties, by **May 27, 2022**.

#### **Interrogatories on Intervenor Evidence**

2. OEB staff and all intervenors shall request any relevant information and documentation with respect to any evidence filed by APPrO that is in addition to that evidence, 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.

3. APPrO shall file with the OEB complete responses to all interrogatories it receives on its evidence and copy the responses to all intervenors by **July 8, 2022**.

### **Technical Conference to Clarify Interrogatory Responses**

4. A transcribed technical conference to clarify interrogatory responses on Hydro One, IESO and APPrO 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 topics they will focus on at the technical conference, and time estimates, by **July 22, 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.
5. Any technical conference undertakings shall be filed with the OEB no later than **August 4, 2022**.

### **Presentation Day**

6. A transcribed presentation to the OEB panel on Hydro One, IESO and APPrO evidence will be held on **August 4, 2022** starting at 9:30 a.m. This event will likely be conducted virtually. Any written materials for the presentations by Hydro One, IESO and APPrO must be filed with the OEB and served on all parties by **August 2, 2022**. Further information on how to connect to the event will be communicated to parties closer to the date.

### **Untranscribed Discussion Among Parties**

7. An untranscribed discussion among intervenors and OEB staff 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.

### **Submissions**

8. Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by **September 2, 2022**.
9. Any additional submissions from OEB staff and intervenors, in response to the submissions of other parties, shall be filed with the OEB and served on all parties by **September 23, 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 [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, Michael Price at [Michael.Price@oeb.ca](mailto:Michael.Price@oeb.ca) and OEB Counsel, James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca).

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

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

DATED at Toronto, April 1, 2022

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar