



Kingston Hydro Corporation

**Application for electricity distribution rates and other
charges beginning January 1, 2023**

PROCEDURAL ORDER NO. 1

July 29, 2022

Kingston Hydro Corporation (Kingston Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on June 17, 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 Kingston Hydro charges for electricity distribution, beginning January 1, 2023.

A Notice of Hearing was issued on July 7, 2022. Each of Consumers Council of Canada (CCC), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Kingston Hydro.

CCC, SEC and VECC are approved as intervenors and 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 an OEB order at the end of the hearing.

Error Checking Questions

The OEB has put in place an error checking process to allow OEB staff to ask questions about what may appear to be errors in an application early in the process and before interrogatories are filed, so that the interrogatory process can be used more effectively to address material issues in the application. On July 22, 2022, OEB staff provided Kingston Hydro with a number of questions as part of the error checking process. Kingston Hydro has informed OEB staff that the responses to OEB staff questions will be filed with the OEB and placed on the record of the proceeding by **August 12, 2022**.

Issues List

The OEB is making provision for the development of an issues list prior to the filing of interrogatories. Kingston Hydro, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration.

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 Kingston Hydro'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 Kingston Hydro's distribution system plan. The OEB will consider the entire five-year distribution system plan to assess the planning and pacing proposals of Kingston Hydro 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. The settlement conference is currently scheduled for September 28 - 30, 2022. 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 Kingston Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Kingston Hydro's presentation is intended to summarize and

provide any salient information for the OEB's consideration in reviewing the settlement proposal.

Further procedural orders may be issued.

THE ONTARIO ENERGY BOARD ORDERS 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 **August 16, 2022**.
2. OEB staff and intervenors shall request any relevant information and documentation from Kingston Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **August 29, 2022**.
3. Kingston Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **September 19, 2022**.
4. A settlement conference among the parties and OEB staff will be convened on **September 28-29, 2022**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **September 30, 2022**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
5. **Within 48 hours** of the conclusion of the settlement conference, Kingston Hydro 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, Kingston Hydro shall file a statement to that effect with the OEB by **October 7, 2022**. In that event, parties shall file and serve on the other parties by **October 14, 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 **October 24, 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 **October 31, 2022**.
9. The OEB is setting a tentative date of **November 11, 2022 at 9:30 a.m.** for Kingston Hydro 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-2022-0044** 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 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, Vince Mazzone at Vince.Mazzone@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca

Email: registrar@oeb.ca

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

DATED at Toronto, **July 29, 2022**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
KINGSTON HYDRO CORPORATION
EB-2022-0044
APPLICANT & LIST OF INTERVENORS
JULY 29, 2022

Kingston Hydro Corporation
EB-2022-0044

APPLICANT & LIST OF INTERVENORS

July 29, 2022

APPLICANT

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APPLICANT & LIST OF INTERVENORS

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