



WATAYNIKANEYAP POWER LP

**Application for electricity transmission rates
and other charges**

PROCEDURAL ORDER NO. 1

August 18, 2022

WATAYNIKANEYAP POWER LP (WPLP) filed a cost of service application with the Ontario Energy Board (OEB) on July 6, 2022 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval to establish electricity transmission rates effective January 1, 2023 and to charge Hydro One Remote Communities Inc. (Hydro One Remotes) a fixed charge effective January 1, 2023.

A Notice of Hearing was issued on July 21, 2022. Hydro One Networks Inc. (Hydro One) and Hydro One Remotes applied for intervenor status.

No objection was received from WPLP.

Hydro One and Hydro One Remotes are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

WPLP's Confidentiality Request

WPLP has requested confidential treatment for certain information in Exhibit F-3-1 Appendix A – Korn Ferry Report for Wataynikaneyap Power LP, 2022 Compensation Review (Report). In its letter dated July 6, 2022, WPLP stated that the information should not be disclosed because it is commercially sensitive and proprietary information of a third party.

In accordance with the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction), the OEB will allow parties an opportunity to file an objection to WPLP's confidentiality request and for WPLP to respond to any objection.

Until such time that the OEB makes a determination on the WPLP's request, the unredacted Report will be treated as confidential. Per Part 6 of the Practice Direction, unredacted versions of the Report shall be provided to individuals who sign a Declaration and Undertaking.

Issues List

The OEB is making provision for the development of an issues list prior to the filing of written interrogatories. WPLP, 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

The OEB is making provision for written interrogatories. 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.

Parties should consult sections 26 and 27 of OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Settlement Conference

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 conference, presentation of any settlement proposal filed by WPLP, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB.

The OEB notes that only two utilities, Hydro One and Hydro One Remotes, have intervened in this proceeding and as such there is no representation from any ratepayer group. Accordingly, parties are advised that pursuant to the [Practice Direction on Settlement Conferences](#), the OEB Panel will make a determination on whether OEB staff should be a party to the settlement and any resulting settlement proposal, at a later date.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Intervenors that wish to review unredacted versions of the Report are required to sign and file the OEB's Confidentiality Declaration and Undertaking form. The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to WPLP.

2. If the WPLP objects to a Declaration and Undertaking, parties shall follow the timelines set out in section 6.1.4 of the Practice Direction.
3. If OEB staff and intervenors have any objections to WPLP's request for confidentiality, they shall file their written submissions within the timelines specified in sections 5.1.6 and 5.1.7 of the Practice Direction.
4. If WPLP wishes to respond to the submissions on confidentiality, it must file its written reply with the OEB and serve it on all intervenors within the timelines specified in section 5.1.8 of the Practice Direction.
5. OEB staff shall file a proposed issues list, or, alternatively, if the parties are unable to reach consensus on the issues to include in a proposed issues list, OEB staff shall file a list that identifies the issues for which consensus was not reached, by **August 26, 2022**.
6. OEB staff and intervenors shall request any relevant information and documentation from WPLP that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 16, 2022**.
7. WPLP shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **October 6, 2022**.
8. A Settlement Conference will be convened on **October 17, 2022**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **October 18 and 19, 2022**. Information on how to participate in the conference will be provided at a later date.
9. **Within 48 hours** of the conclusion of the settlement conference, WPLP 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 intend to continue settlement discussions beyond the scheduled conference.
10. If there is no settlement proposal arising from the settlement discussions, WPLP shall file a statement to that effect with the OEB by **October 25, 2022**. In that event, parties shall file and serve on the other parties by **November 1, 2022**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
11. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **November 7, 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.

12. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **November 16, 2022**.
13. The OEB is setting a tentative date of **November 24, 2022, from 9:30 a.m. to 12:00 p.m.**, for WPLP 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-2022-0149** 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.

Any cost claims are to be filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. If any claims are filed, 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 and OEB Counsel Ian Richler at Ian.Richler@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **August 18, 2022**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A

PROCEDURAL ORDER NO. 1

WATAYNIKANEYAP POWER LP

EB-2022-0149

APPLICANT & LIST OF INTERVENORS

**Wataynikaneyap Power GP Inc.
EB-2022-0149**

APPLICANT & LIST OF INTERVENORS

August 18, 2022

APPLICANT

Rep. and Address for Service

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Inc.**

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**Wataynikaneyap Power GP Inc.
EB-2022-0149**

APPLICANT & LIST OF INTERVENORS

August 18, 2022

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INTERVENORS

**Hydro One Networks Inc. &
Hydro One Remote
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