

**EPCOR Natural Gas Limited Partnership**

**Application for natural gas distribution rates beginning  
January 1, 2023**

**PROCEDURAL ORDER NO. 2  
September 27, 2022**

EPCOR Natural Gas Limited Partnership (EPCOR) filed an incentive rate-setting mechanism application with the Ontario Energy Board (OEB) on July 18, 2022 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) seeking approval for changes to the rates that EPCOR charges for natural gas distribution in its Southern Bruce service area, beginning January 1, 2023.

Procedural Order No. 1 was issued on August 26, 2022, which made provision for interrogatories, submissions and a reply submission. OEB staff filed interrogatories on September 7, 2022. EPCOR filed interrogatory responses on September 19, 2022.

On September 20, 2022, OEB staff filed a letter indicating that EPCOR's proposed Customer Volume Variance Account (CVVA) was a material issue and will take more time to evaluate relative to the schedule established in Procedural Order No. 1. OEB staff recommended that the application be bifurcated into two phases: Phase 1 would address the price cap adjustment and request for deferral and variance account disposition and Phase 2 would address the CVVA issue. OEB staff also recommended that the procedural order be sent out to all intervenors in EPCOR South Bruce's 2019-2028 Custom IR<sup>1</sup> proceeding noting that the OEB may accept late interventions related to the CVVA issue.

On September 21, 2022, EPCOR filed a letter indicating that EPCOR did not object to bifurcating the CVVA issue into a second phase of the application. EPCOR also requested that the two phases take place in parallel to avoid delays specifically to the Brockton Expansion project.

The OEB has determined that it would be appropriate to bifurcate the application into two phases:

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<sup>1</sup> EB-2018-0264

- Phase 1 will address all the issues excluding the CVVA issue
- Phase 2 will address the CVVA issue.

For Phase 1, the dates established in Procedural Order No. 1 for the filing of written submissions by OEB staff and any reply submissions by EPCOR remain unchanged.

The OEB is granting intervenor status to all OEB-approved intervenors in EPCOR South Bruce's 2019-2028 Custom IR proceeding for Phase 2 of the current proceeding. In addition, any party that was granted cost award eligibility in the ECPOR South Bruce's 2019-2028 Custom IR proceeding is granted cost eligibility in the current proceeding. Any intervenor that intends to participate in the current proceeding shall file a letter notifying the OEB of its intention to participate. The schedule for Phase 2 of the current proceeding is set out below.

Further procedural orders may be issued by the OEB.

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

1. Any intervenor that intends to participate in Phase 2 of the proceeding shall file a letter notifying the OEB of its intent to participate by **October 3, 2022**.
2. OEB staff and intervenors shall request any relevant information and documentation from EPCOR for the CVVA issue that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 13, 2022**.
3. ENGLP shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **October 20, 2022**.
4. A settlement conference for the CVVA issue among the parties and OEB staff will be convened on **October 26, 2022**, starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. 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, ENGLP 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.
6. If there is no settlement proposal arising from the settlement conference or the subsequent settlement discussions, ENGLP shall file a statement to that effect with the OEB by **November 1, 2022**.

7. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **November 8, 2022**. In addition to outlining the terms of any settlement.
8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **November 15, 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-2022-0184** 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 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, Arturo Lau at [Arturo.Lau@oeb.ca](mailto:Arturo.Lau@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

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

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

**DATED** at Toronto, **September 27, 2022**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar