



October 7, 2022

Jeffrey Smith
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NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

**Re: Hydro One Networks Inc. (Hydro One)
Service Area Amendment Application
Ontario Energy Board File Number: EB-2022-0234**

Application

Hydro One Networks Inc. (Hydro One) filed a Service Area Amendment (SAA) application (the Application) on August 18, 2022 requesting an amendment to its Electricity Distribution Licence (ED-2003-0043) to provide for the connection of one new customer located at 626 Principale St. in the Municipality of Casselman (Customer). The proposed service connection on the Customer's property is in Hydro Ottawa Limited's (Hydro Ottawa) licensed distribution service area, which is immediately adjacent to Hydro One's licensed distribution service area. Hydro One has advised that the Customer supports its Application.

On September 2, 2022, Hydro Ottawa submitted a "Contested Service Area Amendment Application" in response to Hydro One's Application. Hydro One filed a response to that submission on September 9, 2022, and Hydro Ottawa filed a further submission on September 23, 2022.

On September 26, 2022, the OEB issued an Interim Order and noted that, "In the circumstances, the OEB does not consider it appropriate for the Customer to be subjected to further delay in terms of receiving service on a timely basis. The OEB is therefore making an interim order that will allow Hydro One to provide the requested

service to the Customer. The OEB will amend Hydro Ottawa’s Electricity Distribution Licence (ED-2002-0556) by removing the Customer’s property from the Hydro Ottawa service area, and will allow Hydro One to serve and bill the customer, all on an interim basis, pending the OEB’s disposition of this proceeding.” The OEB also noted that it will advise the parties as to next steps in this regard in due course and that it “is not making a determination at this time on the manner in which this Application or Hydro Ottawa’s “Contested Service Area Amendment Application” will be addressed, or on the merits of either of those filings.

Request to dispose of application without a hearing

Hydro One has asked the OEB to dispose of its Application without a hearing, pursuant to section 21(4)(b) of the *Ontario Energy Board Act* (OEB Act). Hydro One stated that its Application is supported by the Customer and that the Customer has noted that any delays in providing the connection will cause irreparable damage to the project and their company. Hydro One noted that the Application involves a single customer, and the outcome of this proceeding will have no material adverse effect on customers of either distributor. Hydro One also explained that the proposed connection that flows from its Application is the “most technically and economically efficient connection to serve the Customer” and that it would be efficient for the OEB to dispose of its Application without a hearing. Hydro One also referenced recent service area amendment applications¹ that were made on a consent basis and disposed of without a hearing by the OEB.

Hydro Ottawa has requested a hearing in this matter and has objected to Hydro One’s request to dispose of the contested application without a hearing. Hydro Ottawa noted that it disagreed with certain facts as presented by Hydro One and that the Customer’s connection was not at risk, because Hydro One was asked to provide a temporary connection to the Customer. Hydro Ottawa also noted that through its application it has demonstrated that it is cost effective for Hydro Ottawa to serve the Customer.

Findings

In its Application and reply submission, Hydro One asked the OEB to grant its requested SAA without a hearing. Hydro One referred to section 21(4) of the OEB Act) as the basis for the OEB’s authority to dispose of a proceeding without a hearing. That subsection provides:

¹ EB-2020-0283, EB-2021-0231, and EB-2021-0232

No hearing

(4) Despite section 4.1 of the *Statutory Powers Procedure Act*, the Board may, in addition to its power under that section, dispose of a proceeding without a hearing if,

- (a) no person requests a hearing within a reasonable time set by the Board after the Board gives notice of the right to request a hearing; or
- (b) the Board determines that no person, other than the applicant, appellant or licence holder will be adversely affected in a material way by the outcome of the proceeding and the applicant, appellant or licence holder has consented to disposing of a proceeding without a hearing.

Hydro One acknowledged that the current situation is unusual, in that this is a contested application, but suggested that this approach is necessary in light of the timing consideration mentioned above. Urgency is not among the grounds for dispensing with a hearing in subsection 21(4), but in any event, the OEB's Interim Order has addressed the Customer's desire to be connected with service that will accommodate its estimated peak load by the beginning of October, 2022, and the question of whether urgency would be a ground for disposing of a matter without a hearing is moot.

Hydro Ottawa has contested the Application and requested a hearing. Hydro One and the Customer have consented to disposing of the Application without a hearing, but Hydro One acknowledges that it is contested. The OEB will conduct a hearing in this matter, and Hydro Ottawa will have an opportunity to explain why the Application should not be approved. The OEB takes this opportunity to remind the parties that the OEB articulated general principles regarding SAAs in its 2004 Decision in the Combined Service Area Amendment Proceeding.² Those principles, and the OEB's objectives in electricity, namely economic efficiency, consumer protection and the maintenance of a financially viable electricity industry, guided the development of the OEB's Filing Requirements for SAA applications, and continue to inform the OEB's consideration of applications of this kind.

At this time, the OEB intends to consider and dispose of this proceeding by way of a written hearing, although the OEB will allow parties to explain why an oral hearing is needed.

As noted above, Hydro Ottawa filed a "Contested Service Area Amendment Application" in response to Hydro One's Application. The OEB considers that document to be Hydro

² RP-2003-0044

Ottawa's dispute of the Hydro One Application. It would not be appropriate to treat it as an application in its own right, because the subject property is already in the Hydro Ottawa service area. Accordingly, the OEB has assigned a single file number to this proceeding.

The OEB has assigned File No. **EB-2022-0234** to this matter. This Notice of Hearing and Procedural Order provides for procedural steps in the OEB's review.

To access the applications please select the file number **EB-2022-0234** on the OEB website: www.oeb.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

Service of Notice and Procedural Order No. 1

1. Hydro One is directed to immediately serve this Notice and Procedural Order, the Application and the evidence on the Customer.
2. Hydro Ottawa is directed to immediately serve this Notice and Procedural Order, the Application and the evidence on the Municipality of Cassleman.
3. Hydro One and Hydro Ottawa shall post a copy of this Notice and Procedural Order, the Application and the evidence on each of their respective websites.
4. To complete service by **October 11, 2022**, and to file with the OEB an affidavit confirming service, immediately thereafter.

Request for intervenor status and cost eligibility

The Customer is deemed as an intervenor in this proceeding. The OEB currently considers Hydro One, Hydro Ottawa and the Customer as parties in this proceeding and the list of parties is included as Schedule A to this Procedural Order. The OEB will update Schedule A if additional parties are granted intervenor status.

Any party that wishes to participate as an intervenor in this proceeding should apply for intervenor status by **October 21, 2022**. For information on how to apply for intervenor status, please refer to the OEB's [Rules of Practice and Procedure](#), and the OEB's [Practice Direction on Cost Awards](#).

There are two types of OEB hearings – oral and written. The OEB intends to proceed with a written hearing in this matter. If you think an oral hearing is needed, you can write to the OEB to explain why by **October 21, 2022**.

This Application is being considered under section 74 of the *Ontario Energy Board Act, 1998*.

Interrogatories

The OEB is making provision for written interrogatories. 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.

The OEB will issue a decision on interventions and cost eligibility in advance of the date for filing interrogatories.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Hydro One and Hydro Ottawa shall request any relevant information and documentation from each other that is in addition to the evidence filed with the OEB and that is relevant to the hearing, by written interrogatories filed with the OEB and delivered to all parties by **October 28, 2022**
2. OEB staff and intervenor(s) (including the Customer) shall request any relevant information and documentation from Hydro One and Hydro Ottawa that is in addition to the evidence filed with the OEB and that is relevant to the hearing, by written interrogatories filed with the OEB and delivered to all parties by **November 1, 2022**.
3. Hydro One and Hydro Ottawa shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **November 11, 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-2022-0234** 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, Shuo Zhang at Shuo.Zhang@oeb.ca and OEB Counsel, Jamie Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca
Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, October 7, 2022

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A
LIST OF APPLICANTS AND INTERVENORS
HYDRO ONE NETWORKS INC.
EB-2022-0234
October 7, 2022,

Hydro One Networks Inc.
EB-2022-0234

APPLICANT & LIST OF INTERVENORS

October 07, 2022

APPLICANT

Rep. and Address for Service

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Pasquale Catalano

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INTERVENORS

Rep. and Address for Service

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Canada Limited**

Claudio Bertone

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Parts Distribution Operations

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