



**Bluewater Power Distribution Corporation**

**Application for electricity distribution rates beginning  
May 1, 2023**

**PROCEDURAL ORDER NO. 1  
December 12, 2022**

Bluewater Power Distribution Corporation (Bluewater Power) filed a cost of service application with the Ontario Energy Board (OEB) on October 24, 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 Bluewater Power charges for electricity distribution, beginning May 1, 2023.

A Notice of Hearing was issued on November 11, 2022. Each of Association of Major Power Consumers in Ontario (AMPCO), Consumers Council of Canada (CCC), Coalition of Concerned Manufacturers and Business of Canada (CCMBC), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Bluewater Power.

AMPCO, CCC, CCMBC, SEC and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. AMPCO, CCC, CCMBC, SEC and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

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 OEB order at the end of a hearing.

**Confidentiality**

By letters dated October 24, 2022, and December 6, 2022, Bluewater Power requested confidential treatment of certain information contained in the following documents that were filed as part of its application:

1. Measurement and Verification Reports related to its Lost Revenue Adjustment Mechanism Variance Account claim, on the basis that it contains customer information as outlined in Section 3 of Appendix B of the Practice Direction.
2. Report on the Actuarial Valuation of Post-Retirement non-Pension Benefits, on the basis that it contains non-public financial information of an unregulated affiliate as outlined in Section 5 of Appendix B of the Practice Direction.
3. Bluewater Power's Corporate Income Tax Return (pages 105 and 196), on the basis that it contains non-public financial information of unregulated affiliates as outlined in Section 5 of Appendix B of the Practice Direction.
4. Bluewater Power's Corporate Income Tax Return (page 107) on the basis that it contains personal information as outlined in Section 10 of the Practice Direction.

In accordance with the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction), Bluewater Power filed redacted copies of the documents. Copies of the unredacted documents were filed separately in confidence.

With respect to items 1, 2 and 3 above, parties that wish to object to the confidentiality request should refer to section 4 of the Practice Direction and follow the timelines and process in sections 5.1.6 and 5.1.8 and sections 5.1.9 to 5.1.15 of the Practice Direction.

With respect to item 4, the OEB will follow the process set out in section 10 of the Practice Direction.

### **Issues List**

At this time, the OEB is making provision for the development of an issues list prior to the filing of interrogatories. Bluewater Power, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration. The OEB will approve an issues list prior to the settlement conference.

### **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 the applicant'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 the applicant's distribution system plan. The OEB will consider the entire five-year distribution system plan to assess the planning and pacing proposals of the applicant 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.

### **Settlement Conference**

At this time, the OEB is also 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 discussions and the filing of a settlement proposal, if any.

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 confidential information in the Measurement and Verification Reports, the Report on the Actuarial Valuation of Post-Retirement non-Pension Benefits and the sections of Bluewater Power's Corporate Income Tax Return that contain non-personal information, 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 Bluewater Power.
2. If Bluewater Power 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 Bluewater Power's request for confidentiality with respect to the information in the Measurement and Verification Reports, the Report on the Actuarial Valuation of Post-Retirement non-Pension Benefits and the sections in Bluewater Power's Corporate Income

Tax Return that contain non-personal information, they shall file their written submissions with the OEB within the timelines specified in sections 5.1.6 of the Practice Direction.

4. If the Bluewater Power wishes to respond to the submissions on confidentiality, it shall file its written submission with the OEB, within the timelines specified in section 5.1.8 of the Practice Direction.
5. 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 **January 9, 2023**.
6. OEB staff and intervenors shall request any relevant information and documentation from Bluewater Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **January 24, 2023**.
7. Bluewater Power shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **February 13, 2023**.
8. A settlement conference among the parties and OEB staff will be convened on **February 22, 2023**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **February 23, 2023** and **February 24, 2023**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
9. **Within 48 hours** of the conclusion of the settlement conference, Bluewater Power 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.
10. If there is no settlement proposal arising from the settlement conference, Bluewater Power shall file a statement to that effect with the OEB by **March 3, 2023**. In that event, parties shall file and serve on the other parties by **March 10, 2023** 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 **March 20, 2023**. 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 **March 27, 2023**.

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-2022-0016** 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, Andrew Bishop at [Andrew.Bishop@oeb.ca](mailto:Andrew.Bishop@oeb.ca) and OEB Counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

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

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

**DATED** at Toronto, **December 12, 2022**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**  
**PROCEDURAL ORDER NO. 1**  
**BLUEWATER POWER DISTRIBUTION CORPORATION**  
**EB-2022-0016**  
**APPLICANT & LIST OF INTERVENORS**

**Bluewater Power Distribution Corporation  
EB-2022-0016**

**APPLICANT & LIST OF INTERVENORS**

December 12, 2022

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**APPLICANT**

**Rep. and Address for Service**

**Bluewater Power Distribution Corporation**

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**INTERVENORS**

**Rep. and Address for Service**

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Consumers in Ontario**

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**Consumers Council of  
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EB-2022-0016**

**APPLICANT & LIST OF INTERVENORS**

December 12, 2022

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**School Energy Coalition**

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Consumers Coalition**

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