

John A.D. Vellone
T: 416-367-6730
jvellone@blg.com

Colm Boyle
T: 416-367-7273
cboyle@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto ON M5H 4E3
Canada
T 416-367-6000
F 416-367-6749
blg.com



File No. 025841.000007

March 29, 2023

DELIVERED BY EMAIL AND RESS

Nancy Marconi
Ontario Energy Board
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi

**Re: Newmarket-Tay Power Distribution Ltd.
EB-2023-0109 – Application to dispose of Balances in Accounts 1588 and 1589
Affidavit of Service**

On March 24, 2023, 2023, the OEB issued Notice of Hearing and Procedural order No. 1 along with the Letter of Direction for the above noted proceeding.

As directed by the OEB, enclosed please find the Affidavit of Service, which has been filed through the OEB's Regulatory Electronic Submission System.

Please contact the undersigned if you have any questions.

Yours truly,

BORDEN LADNER GERVAIS LLP

A handwritten signature in black ink, appearing to read 'Colm Boyle', is written over a white background.

Colm Boyle

JV/CB

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c.15 (Sched. B);

AND IN THE MATTER OF an Application by Newmarket-Tay Power Distribution Ltd. to the Ontario Energy Board for approval to dispose balances in Account 1588 – RSVA Power and Account 1589 – RSVA Global Adjustment.

AFFIDAVIT OF SERVICE

I, Laurie Ann Cooledge of the Town of Newmarket, make oath and say as follows:

1. I am in the employ of Newmarket-Tay Power Distribution Ltd. (“Newmarket-Tay”) and as such have knowledge of the matters hereinafter deposed to.
2. Pursuant to the March 24, 2023 Letter of Direction from the Ontario Energy Board (OEB), I arranged for the service by email the Notice of Hearing (Exhibit A), and links to the Newmarket-Tay Application and Evidence, due to the size of the file, upon the required parties.
3. As directed by the OEB in the Letter of Direction, attached hereto is proof in the form of an email (Exhibit B) that the relevant Notice of Application and Newmarket-Tay’s Application and evidence was served directly on all intervenors in EB-2007-0776.
4. In accordance with the Letter of Direction, I caused a copy of the Notice of Hearing and the Application and Evidence to be placed in a prominent place on Newmarket-Tay’s website. Attached as Exhibit C is proof of the information posted to the website.

**SWORN before me in the City of)
Toronto, this 29th day of)
March, 2023 in accordance with)
O. Reg. 431/20, Administering O)
ath or Declaration Remotely**

Laurie Ann Coole

A Commissioner for taking Affidavits

Colm Boyle



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

The attached document is Exhibit A to the Affidavit of Laurie Ann Cooledge. Sworn remotely by Laurie Ann Cooledge of the Town of Newmarket in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on March 29, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Colm Boyle

Commissioner for Taking Affidavits in the Province of Ontario

EB-2023-0109

Newmarket-Tay Power Distribution Ltd.

Application to dispose of balances in certain deferral and variance accounts.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

March 24, 2023

The Ontario Energy Board (OEB) is holding a hearing to determine a request by Newmarket-Tay Power Distribution Ltd. (Newmarket-Tay Power) for approval to dispose balances in Account 1588 – RSVA Power and Account 1589 – RSVA Global Adjustment.

The request for disposition of these two accounts was originally made by Newmarket-Tay Power in the context of the utility's 2023 incentive rate-setting mechanism (IRM) proceeding.¹ During the course of that proceeding, Newmarket-Tay Power was advised of the OEB's concerns that the disposition of Accounts 1588 and 1589 could possibly give rise to retroactive rate-making. On March 14, 2023, (Newmarket-Tay Power) filed an updated request with the OEB seeking approval to dispose of the Account 1588 and Account 189 balances effective May 1, 2023.

On March 23, 2023, the OEB issued its Decision and Order in the utility's 2023 IRM proceeding (IRM Decision) by Delegated Authority, without holding a hearing, pursuant to section 6(4) of the *Ontario Energy Board Act, 1998*. Therein, the OEB approved Newmarket-Tay Power's IRM application for electricity distribution rates effective January 1, 2023, except for the aspect of the application that sought approval to dispose balances in Account 1588 and Account 1589. The OEB confirmed that the utility's request for disposition of Account 1588 and Account 1589 balances would need to be heard by the OEB in a separate proceeding, given the possibility that disposition could give rise to retroactive rate-making.

¹ EB-2022-0050

The OEB will now hold a public hearing to consider Newmarket-Tay Power's request for approval to dispose Account 1588 and Account 1589 balances. The hearing will adopt the record of Newmarket-Tay Power's 2023 IRM proceeding.

During the hearing, we will question Newmarket-Tay Power on its case and consider questions and arguments from intervenors and OEB staff. At the end of the hearing, the OEB will decide whether to approve Newmarket-Tay Power's request.

How to See the Application

To access Newmarket-Tay Power's application and evidence, please enter the file number **EB-2023-0109** on the OEB website: www.oeb.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

How to Participate

If you wish to participate as an intervenor you should apply for intervenor status by **April 10, 2023** or the hearing will go ahead without you and you will not receive further notice of the proceeding. For information on how to apply for intervenor status, please refer to the OEB's [Rules of Practice and Procedure](#). If you apply to become an intervenor, all information contained in your request will be public.

Format of the Hearing

There are three types of OEB hearings – oral, written and electronic. The OEB intends to proceed by way of a written hearing. If you think that an oral hearing or an electronic hearing is needed, they must write to the OEB to explain why by **April 10, 2023**.

This hearing is being held under section 78 of the *Ontario Energy Board Act, 1998*.

Interrogatories and Submissions

At this time, the OEB is making provisions for written interrogatories and written submissions. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The record of this proceeding shall adopt the record of Newmarket-Tay Power's 2023 IRM proceeding **EB-2022-0050**.

2. Any person that wishes to participate as an intervenor in this proceeding should apply for intervenor status by **April 10, 2023**.
3. OEB staff and intervenors shall request any relevant information and documentation from Newmarket-Tay Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on Newmarket-Tay Power and all other parties by **April 17, 2023**.
4. Newmarket-Tay Power shall file with the OEB complete written responses to all interrogatories and serve them on all other parties by **April 27, 2023**.
5. Any written submissions by OEB staff and intervenors shall be filed with the OEB and served on Newmarket-Tay Power and all other parties by **May 11, 2023**.
6. Any reply submissions by Newmarket-Tay Power, shall and filed with the OEB be served on all other parties by **May 25, 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-2023-0109** 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
- 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, Birgit Armstrong at Birgit.Armstrong@oeb.ca and OEB Counsel Richard Lanni at Richard.Lanni@oeb.ca

Email: registrar@oeb.ca

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

DATED at Toronto, **March 24, 2023**

ONTARIO ENERGY BOARD

Nancy
Marconi

Digitally signed by Nancy
Marconi
Date: 2023.03.24
15:08:33 -04'00'

Nancy Marconi
Registrar

Boyle, Colm

From: Laurie Ann Cooledge <lauriec@nmhydro.ca>
Sent: March 28, 2023 2:29 PM
To: 'jay@shepherdrubenstein.com'; 'mark@shepherdrubenstein.com';
tom.ladanyi@rogers.com; jlawford@piac.ca; markgarner@rogers.com;
bharper@econanalysis.ca; sec@oesc-cseo.org
Cc: Jestine Zhou; Oana Berbec; Boyle, Colm
Subject: Notice of Hearing - Newmarket-Tay Power Distribution Ltd. Application (EB-2022-0050)
Attachments: NoA_PO_Order_Newmarket Tay_2023 IRM Phase 2_20230324_signed.pdf

[External / Externe]

Good morning,

Please find attached a copy of the Ontario Energy Board’s (“OEB”) Notice of Hearing for Newmarket-Tay Power Distribution Ltd (“NT Power”) with respect to its application to dispose of balances in certain deferral and variance accounts (the “Application”).

The Application has been posted to NT Power’s web site [NT Power](#) and is also available on the [Content Manager WebDrawer - Search Results \(oeb.ca\)](#)

If you require any assistance in obtaining a copy of the Application, please reach out to us at Regulatory@nmhydro.ca

Sincerely,

The attached document is Exhibit B to the Affidavit of Laurie Ann Cooledge. Sworn remotely by Laurie Ann Cooledge of the Town of Newmarket in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on March 29, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Laurie Ann Cooledge, CPA, CMA, CPA
CFO, NT Power
Phone: (289) 470-0319 ext 2268
Cell: (905) 868-0022
lcooledge@nmhydro.ca

Colm Boyle
Commissioner for Taking Affidavits in the Province of Ontario

“My working hours may not be your working hours. Please do not feel obligated to respond to this e-mail outside of your normal working hours.”

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This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.  
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Regulatory Documents

As a Local Distribution Company, NT Power is regulated by the [Ontario Energy Board \(OEB\)](#) a crown corporation that is responsible for overseeing the Province's electricity and natural gas sectors and all of its participants. NT Power's rate applications must be approved through a complex hearing process from the OEB. The OEB also sets the prices for Regulated Price Plan time-of-use electricity rates and approves the rates for distribution/delivery and transmission. In short, they are the regulatory policy makers and it is our job to inform you on our regulatory activities.

This page contains important information on any filings, regulatory proceedings or other matters relating to our regulator.

Active Applications

OEB Case Number	Applications For
EB-2022-0050	2023 IRM Rate Application for Newmarket/Tay and Midland Rate Zones

Notice of Hearing and Procedural Order

Please [click here](#) to view the Notice of Hearing and Procedural Order No.1 for EB-2023-0109

Please [click here](#) OEB link for full details

About NT Power

Regulatory Documents

Conditions of Service

Careers

Contact Us

The attached document is Exhibit C to the Affidavit of Laurie Ann Cooledge. Sworn remotely by Laurie Ann Cooledge of the Town of Newmarket in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on March 29, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Colm Boyle
Commissioner for Taking Affidavits in the Province of Ontario