



**EB-2023-0041**

**Niagara-on-the-Lake Hydro Inc.**

**Application for electricity distribution rates and other  
charges beginning January 1, 2024**

**PROCEDURAL ORDER NO. 1**

**June 7, 2023**

Niagara-on-the-Lake Hydro Inc. (Niagara-on-the-Lake Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on April 27, 2023 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Niagara-on-the-Lake Hydro charges for electricity distribution, beginning January 1, 2024.

A Notice of Hearing was issued on May 11, 2023. Each of School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from Niagara-on-the-Lake Hydro.

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

### **Issues List**

OEB staff will canvas parties for any unique issues that warrant addition to the standard [Issues List](#) for electricity distribution rate applications. If parties recommend and agree to revisions, OEB staff will file a revised draft Issues List with the OEB. If there is no agreement on whether the standard Issues List should be revised, OEB staff will advise the OEB in writing. In the event that intervenors and the applicant do not propose any

amendments to the standard Issues List, OEB staff will notify the OEB of this fact. The OEB will approve an issues list prior to the filing of interrogatories.

## Interrogatories

At this time, provision is being made for written interrogatories. In preparing their interrogatories, parties should refer to the OEB's approved Issues List for electricity distribution rate applications. Parties should also 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 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.

## Presentation of Settlement Proposal

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 discussions, the presentation of any settlement proposal filed by Niagara-on-the-Lake Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Niagara-on-the-Lake Hydro's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. 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 **June 16, 2023**.
2. OEB staff and intervenors shall request any relevant information and documentation from Niagara-on-the-Lake Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **June 26, 2023**.
3. Niagara-on-the-Lake Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **July 17, 2023**.
4. A settlement conference among the parties and OEB staff will be convened on **August 2-3, 2023**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **August 4, 2023**. This will be a virtual event and information on how to participate will be provided in advance of the conference. If OEB staff or intervenors intend to submit clarification questions to Niagara-on-the-Lake Hydro as part of the settlement process, they are encouraged to submit these questions as far in advance as possible of the commencement of the settlement conference, in the interests of making the settlement process as efficient as possible.
5. **Within 48 hours** of the conclusion of the settlement conference, Niagara-on-the-Lake Hydro 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.
6. If there is no settlement proposal arising from the settlement conference, Niagara-on-the-Lake Hydro shall file a statement to that effect with the OEB by **August 11, 2023**. In that event, parties shall file and serve on the other parties by **August 18, 2023**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
7. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **August 25, 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.

8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **September 1, 2023**.
9. The OEB is setting a tentative date of **September 8, 2023**, from 9:30 a.m. to 12:00 p.m. for Niagara-on-the-Lake Hydro 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-2023 0041** 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, Narisa Jotiban at [Narisa.Jotiban@oeb.ca](mailto:Narisa.Jotiban@oeb.ca) and OEB Counsel, at [Ljuba.Djurdjevic@oeb.ca](mailto:Ljuba.Djurdjevic@oeb.ca).

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

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

**DATED** at Toronto, **June 7, 2023**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**  
**LIST OF APPLICANT AND INTERVENORS**  
**PROCEDURAL ORDER NO. 1**  
**NIAGARA-ON-THE-LAKE HYDRO INC.**  
**EB-2023-0041**  
**DATED: June 7, 2023**

**Niagara-on-the-Lake Hydro Inc.  
EB-2023-0041**

**APPLICANT & LIST OF INTERVENORS**

June 07, 2023

**APPLICANT**

**Rep. and Address for Service**

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Inc.**

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**Niagara-on-the-Lake Hydro Inc.  
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**APPLICANT & LIST OF INTERVENORS**

June 07, 2023

**INTERVENORS  
School Energy Coalition**

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June 07, 2023

**Vulnerable Energy  
Consumers Coalition**

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