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June 8, 2023

Sent by EMAIL, RESS e-filing

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

Dear Ms. Marconi:

Re: EPCOR Natural Gas Limited Partnership (EPCOR) – Motion to Review and Vary EB-2022-0184 Decision and Order (Phase 2) relating to Customer Volume Variance Account- Ontario Energy Board File No. EB-2023-0140

Please find enclosed EPCOR's Notice of Motion for an extension of time to file its Argument-in-Chief in respect of the above-noted proceeding.

Sincerely,

Tim Hesselink, CPA
Senior Manager, Regulatory Affairs
EPCOR Natural Gas Limited Partnership
(705) 445-1800 ext. 2274
THesselink@epcor.com

Enclosure

cc: Arturo Lau, OEB Case Manager
Michael Millar, OEB Counsel
Mark Rubenstein, Legal Counsel for School Energy Coalition
Mark Garner, Representative for Vulnerable Energy Consumers Coalition
Richard King, Partner, External Counsel for EPCOR

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

AND IN THE MATTER OF an application by EPCOR Natural Gas Limited Partnership for approval to change gas distribution rates and other charges to be effective January 1, 2023.

AND IN THE MATTER OF a Motion to review and vary EB-2022-0184 Decision and Order (Phase 2) relating to Customer Volume Variance Account, and a request for stay of the implementation of certain aspects of the Decision.

NOTICE OF MOTION

EPCOR Natural Gas Limited Partnership (“EPCOR”)

EB-2023-0140

June 8, 2023

EPCOR WILL MAKE A MOTION to the Ontario Energy Board (the “**Board**” or the “**OEB**”) at its hearing rooms at 2300 Yonge Street, Toronto, Ontario on a date and time to be fixed by the Board.

PROPOSED METHOD OF HEARING: EPCOR respectfully requests that the Motion be heard in writing.

RELIEF REQUESTED:

1. This Motion is for:
 - (a) An Order pursuant to Rule 7 of the OEB’s Rules of Practice and Procedure (the “**Board’s Rules**”) extending the time to July 6, 2023, for EPCOR to file its argument-in-chief for proceeding EB-2023-0140; and
 - (b) Such further and other relief as EPCOR may request and the Board may grant.

THE GROUNDS OF THE MOTION ARE:

2. On April 6, 2023, the Board issued a Phase 2 incentive rate-setting mechanism Decision and Order (Decision) regarding EPCOR’s proposed Customer Volume Variance Account (CVVA) and associated issues.

3. On May 10, 2023, EPCOR filed a notice of motion to review and vary the Decision (Motion) which sought to set aside the Board's modified CVVA which applied a 50/50 risk sharing mechanism until such point that EPCOR's actual earnings reach 300 basis points below the return on equity (ROE) that underpinned the utility's rates established in the 2019-2028 custom incentive rate-setting proceeding. EPCOR seeks to set aside the Decision in order to become eligible to recover the full balances in the CVVA from January 1, 2021 until December 31, 2028.

4. On June 7, 2023 the Board issued a Notice of Hearing, Procedural Order No. 1 and a decision on the threshold question described in Rule 43 of the Board's Rules (Procedural Order).

5. The Procedural Order requires EPCOR to file its argument-in-chief with the Board and to serve it on all parties by June 22, 2023.

6. EPCOR brings the within Motion pursuant to Rule 7 of the Board's Rules requesting that the Board extend the time for EPCOR to file its argument-in-chief, until July 6, 2023.

7. In support of this request, EPCOR can advise that between now and June 22, 2023, three key members of EPCOR's drafting team (including a senior legal advisor, a consultant and a member of EPCOR's senior management) will be away for pre-scheduled vacation and such absences will overlap for periods of time ranging from eight days to two weeks.

8. In light of the above-noted personnel absences, EPCOR respectfully requests that a two week extension to file its argument-in-chief is reasonable and that no other party will be prejudiced by the delay in filing.

9. EPCOR relies on Board Rules 7 and 8.

10. Such further and other grounds as counsel may advise and this Board may accept.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

June 8, 2023

EPCOR Natural Gas Limited Partnership
Per: Tim Hesselink, CPA
Senior Manager, Regulatory Affairs