



**EPCOR Natural Gas Limited Partnership**

**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**

**PROCEDURAL ORDER NO. 2**

**June 9, 2023**

EPCOR Natural Gas Limited Partnership (EPCOR) filed an incentive rate-setting mechanism application with the Ontario Energy Board (OEB) on July 18, 2022, under section 36 (1) of the Ontario Energy Board Act, 1998 seeking approval for changes to its natural gas distribution rates to be effective January 1, 2023, for its South Bruce service area (Application).<sup>1</sup>

The OEB issued a Phase 2 Decision and Order (Decision) on April 6, 2023, on the Customer Volume Variance Account requested in the Application. On May 10, 2023, EPCOR filed a notice of motion to review and vary the Decision (Motion).

On June 7, 2023, a Notice of Hearing, Procedural Order No. 1 and Decision on Threshold Question and Request for Stay (Notice and PO #1) was issued. The Notice and PO #1 required EPCOR to file its argument-in-chief by June 22, 2023.

On June 8, 2023, EPCOR filed a letter requesting a two-week extension to file its argument-in-chief. EPCOR supported this request stating that key members of their team are absent.

The OEB grants the requested extension. In accordance with the OEB's Protocol for Adjusting Adjudicative Timelines, the OEB will place EPCOR's application in abeyance as of June 22, 2023 until July 6, 2023. The OEB will resume processing the application upon receipt of EPCOR's argument-in-chief.

The OEB expects EPCOR's argument-in-chief to be filed with the OEB no later than July 6, 2023. Accordingly, the dates provided in the Notice and PO #1 have been amended below.

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<sup>1</sup> EB-2022-0184

The OEB will also update its tentatively scheduled virtual hearing to allow the OEB to ask its questions to **August 17, 2023**. The OEB will formally schedule this event in a future procedural order, if needed.

**IT IS THEREFORE ORDERED THAT:**

1. EPCOR shall file its argument-in-chief with the OEB and serve it on all parties by **July 6, 2023**.
2. Any written submission by intervenors and OEB staff shall be filed with the OEB and served on EPCOR Natural Gas Limited Partnership and all other parties by **July 20, 2023**.
3. Any reply submission by EPCOR Natural Gas Limited Partnership shall be filed with the OEB by **August 3, 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-2023-0140** 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, Arturo Lau at [Arturo.Lau@oeb.ca](mailto:Arturo.Lau@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

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

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

**DATED** at Toronto, **June 9, 2023**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar