



Festival Hydro Inc.

**Application for electricity distribution rates and other
charges beginning January 1, 2025**

PROCEDURAL ORDER NO. 1

June 12, 2024

Festival Hydro Inc. (Festival Hydro) filed a cost-of-service application with the Ontario Energy Board (OEB) on April 26, 2024, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Festival Hydro charges for electricity distribution, beginning January 1, 2025.

A Notice of Hearing was issued on May 21, 2024. The Association of Major Power Consumers in Ontario (AMPCO), Energy Probe Research Foundation (Energy Probe), School Energy Coalition (SEC), and Vulnerable Energy Consumers Coalition (VECC) all applied for intervenor status and cost eligibility.

No objection was received from Festival Hydro.

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

Cost eligible intervenors are advised that this application is part of the OEB intervenor budget pilot project. The budget for each cost eligible intervenor will be \$20,000. Further details of this intervenor budget pilot project are set out in the OEB's 2025 Filing Requirements [letter](#) issued on April 11, 2024.

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

In the cover letter to its application, dated April 26, 2024, Festival Hydro requested confidential treatment of certain information in its competitive procurement process for a capital project.¹ Specifically, the information relates to unit pricing and/or billing rates of third-party vendors and weighting factors that Festival Hydro used in evaluating bids received as part of a competitive procurement process for a metering project. Festival Hydro stated that disclosure of this information could prejudice both Festival Hydro's and the procurement process participants' competitive position. Festival Hydro asserts that this information is presumptively confidential under Appendix B of the [Practice Direction on Confidential Filings](#) (Practice Direction).

In accordance with the Practice Direction, Festival Hydro filed a redacted copy of the information. A copy of the un-redacted information was filed separately in confidence.

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 5.1.7 of the Practice Direction. If any objections to the confidentiality request are received, Festival Hydro can reply to the objection in accordance with the timelines set out in section 5.1.8 of the Practice Direction.

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. If 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 interrogatories, parties should refer to the OEB's approved Issues List. 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. 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

¹ Exhibit 2, Attachment 2, page 967

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, particularly 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 benchmark 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.

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 that has been agreed to by all parties and OEB staff, 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 21, 2024**.
2. OEB staff and intervenors shall request any relevant information and documentation from Festival Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **July 5, 2024**.
3. Festival Hydro shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **July 25, 2024**.
4. A settlement conference among the parties and OEB staff will be convened on **August 12, 2024**, starting at 9:30 a.m. If necessary, the settlement conference will continue **August 13th and 14th, 2024**. This will be a virtual event, and information on participating will be provided before the conference. If OEB staff or intervenors intend to submit clarification questions to Festival 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, Festival 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, Festival Hydro shall file a statement to that effect with the OEB by **August 19, 2024**. In that event, parties shall file and serve on the other parties by **August 23, 2024**, 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 30, 2024**. 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 7, 2024**.

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-2024-0023** 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 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 the 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, Vithooshan Ganesanathan at Vithooshan.Ganesanathan@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca
Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **June 12, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
FESTIVAL HYDRO INC.
EB-2024-0023
PROCEDURAL ORDER NO. 1
JUNE 12, 2024

Festival Hydro Inc.

EB-2024-0023

APPLICANT & LIST OF INTERVENORS

June 12, 2024

APPLICANT

Rep. and Contact Information for Service

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APPLICANT & LIST OF INTERVENORS

June 12, 2024

INTERVENORS

Rep. and Contact Information for Service

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Festival Hydro Inc.

EB-2024-0023

APPLICANT & LIST OF INTERVENORS

June 12, 2024

School Energy Coalition

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**Vulnerable Energy
Consumers Coalition**

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