

**Hearing on the Ontario Energy Board's own Motion
regarding EPCOR Natural Gas Limited Partnership's
Request to Correct Certain Historical Quarterly Rate
Adjustment Mechanism Errors**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1
April 1, 2024**

The Ontario Energy Board (OEB) will hold a hearing on its own motion pursuant to sections 19(4) and 36(2) of the *Ontario Energy Board Act 1998* to determine whether EPCOR Natural Gas Limited Partnership's (EPCOR) proposals to correct two identified errors and whether the heat value applied in its April 2024 Quarterly Rate Adjustment Mechanism (QRAM) application are appropriate¹.

In its April 2024 QRAM application, EPCOR requested approval to correct two errors that were made historically. The first error is a reference price error in which EPCOR applied the incorrect reference price to the October to December 2023 volumes in the Purchased Gas Commodity Variance Account (PGCVA) (Reference Price Error). This error was made in the January 2024 QRAM application.² The second error was a billing error whereby approximately 75 customers were incorrectly billed for lower volumes during the period April 2021 to January 2024 (Billing Error), which affected the volumes in the Gas Purchase Rebalancing Account (GPRA). In addition, the heat value applied by EPCOR of 39.09GJ/10³m³ differed from the heat value used by Enbridge Gas Inc. (Enbridge Gas) for its Union South rate zone of 39.17GJ/10³m³.

On March 21, 2024, the OEB issued a Decision and Interim Rate Order approving EPCOR's April 2024 QRAM application as filed on an interim basis.³ The OEB also recommended further discovery and argument be allowed in a subsequent process. The OEB noted that, in accordance with the OEB's [October 31, 2019 letter](#) regarding the correction of pass-through costs, the OEB may explore further the nature of the errors and the appropriate approach to finalizing the rates for the subject period.

¹ EB-2024-0100

² EB-2023-0338

³ EB-2024-0100, Decision and Interim Rate Order, March 21, 2024

The OEB will proceed with a hearing on its own motion to consider EPCOR's proposals to correct the Reference Price Error and the Billing Error, and to consider the appropriate heat value to be applied for the April 2024 QRAM. The OEB has assigned file number EB-2024-0124 to this matter.

Intervenors and Cost Awards

This Notice of Hearing and Procedural Order No. 1 will be sent to EPCOR and all intervenors that participated in EPCOR's most recent cost of service proceeding⁴, namely:

- Anwaatin Inc. (Anwaatin)
- Enbridge Gas Inc. (Enbridge Gas)
- Industrial Gas Users Association (IGUA)
- School Energy Coalition (SEC)
- Southern Bruce Municipalities
- Vulnerable Energy Consumers Coalition (VECC)

Any party who intends to intervene in the current proceeding shall file an intervention request, and advise whether it intends to seek eligibility for costs, with the OEB by April 5, 2024. EPCOR will have an opportunity to respond to the intervention requests received by the OEB.

EPCOR will be liable for the payment of any approved intervenor costs.

Written Hearing

The hearing will be held in writing unless a party satisfies the OEB that there is good reason for holding an oral hearing. Anyone who objects to a written hearing must submit a letter to the OEB by April 5, 2024, and provide reasons for holding an oral hearing instead. Assuming that the OEB does not receive any objections to a written hearing, the hearing will follow the process set out below.

Interrogatories

For the purpose of this hearing, the OEB intends to rely on the record from EPCOR's April 2024 QRAM application.⁵

At this time, provision is being made for written interrogatories related to EPCOR's proposals to correct the Reference Price Error and the Billing Error and related to the

⁴ EB-2018-0264

⁵ EB-2024-0100

appropriate heat value to be applied for the April 2024 QRAM. Parties should not engage in detailed exploration of issues that do not appear to be material. 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.

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.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Any party that intends to intervene in the proceeding shall file an intervention request by **April 5, 2024**.
2. EPCOR shall file with the OEB and forward to the intervening party any response to the intervention request by **April 9, 2024**.
3. OEB staff and intervenors shall request any relevant information and documentation from EPCOR that is in addition to the evidence already filed and that is relevant to the hearing, by written interrogatories filed with the OEB and served on all parties by **April 18, 2024**.
4. EPCOR shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **April 25, 2024**.
5. OEB staff and intervenors shall file any written arguments with the OEB and serve them to all parties by **May 7, 2024**.
6. EPCOR shall file its reply argument with the OEB and serve it to all parties by **May 14, 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-2024-0124** 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 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 and OEB Counsel, Charlotte Kanya-Forstner at Charlotte.KanyaForstner@oeb.ca.

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

DATED at Toronto, **April 1, 2024**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar