



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

AND IN THE MATTER OF a generic proceeding
commenced by the
Ontario Energy Board on its own motion to consider the cost
of capital parameters and deemed capital structure to be
used to set rates

DECISION ON EXPERT EVIDENCE AND PROCEDURAL ORDER NO. 2
May 17, 2024

On March 6, 2024, pursuant to sections 36, 78 and 78.1 of the *Ontario Energy Board Act, 1998*, the OEB issued a Notice of Hearing on its own motion to initiate a generic proceeding to consider the OEB's cost of capital and other matters.

Procedural Order No. 1 issued on March 28, 2024 approved the parties and set out procedural steps for this generic proceeding.

On April 22, 2024, the OEB issued a letter approving the final Issues List.

Expert Evidence

Procedural Order No. 1 required parties to inform the OEB by letter of their plans to file expert evidence in this proceeding by April 30, 2024.

The following parties requested to file expert evidence:

- Ontario Energy Association (OEA) on behalf of the CLD+¹ – Concentric Energy Advisors
- Small Business Utility Alliance (SBUA) – Reno Energy Consulting Services, LLC
- Electricity Distributors Association (EDA) – Nexus Economics

¹ The CLD+ comprises Alectra Utilities Corporation; Elexicon Energy Inc.; Enbridge Gas Inc.; Hydro One Networks Inc.; Hydro Ottawa Limited; Ontario Power Generation Inc.; Toronto Hydro-Electric System Limited; and Upper Canada Transmission 2, Inc.

- Industrial Gas Users Association and Association of Major Power Consumers in Ontario (IGUA/AMPCO) – Dr. Sean Cleary²

The SBUA and IGUA/AMPCO requested cost recovery in respect of their expert evidence. IGUA/AMPCO also requested that the OEB consider making provision for an interim award of costs, as it relates to expert evidence approved for cost-eligible intervenors. IGUA/AMPCO suggested that an appropriate point in the process at which to consider an interim cost award would be following the filing of interrogatory responses on party evidence, currently scheduled for August 22, 2024.

Findings

The OEB approves all four requests to provide expert evidence.

The OEB also approves cost eligibility in respect of the expert evidence to be filed by the SBUA and IGUA/AMPCO. However, the OEB reminds those intervenors that being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed.

In response to IGUA/AMPCO's request that the OEB consider making provision for an interim award of costs, as it relates to expert evidence approved for cost-eligible intervenors, the OEB finds that this request is reasonable. The OEB will provide directions at a later date regarding interim cost awards.

Pre-Hearing Procedural Conference

Procedural Order No. 1 also provided for a Pre-Hearing Procedural Conference, scheduled to be held on May 21, 2024.

The OEB is aware that at the Issues Conference (held on April 18, 2024), some parties raised doubts about the need for this meeting. Such doubts were reiterated when OEB staff canvassed the parties informally by email.

The OEB has accordingly cancelled the meeting scheduled for May 21, 2024.

Further procedural orders may be issued by the OEB.

² The School Energy Coalition, on its own behalf, as well as on behalf of the Consumers Council of Canada, Canadian Manufacturers and Exporters, and the Vulnerable Energy Customers Coalition, supported the proposal by IGUA/AMPCO to file expert evidence.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The requests by the OEA, the SBUA, the EDA, and IGUA/AMPCO to file expert evidence are approved. The SBUA and IGUA/AMPCO will be eligible for cost awards in respect of their expert evidence.
2. The Pre-Hearing Procedural Conference, scheduled to be held on **May 21, 2024**, is cancelled.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Fiona O'Connell, at fiona.oconnell@oeb.ca and OEB Counsel, Ian Richler, at ian.richler@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **May 17, 2024**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar