



**London Hydro Inc.**

**Application for electricity distribution rates and other  
charges beginning May 1, 2022**

**PROCEDURAL ORDER NO. 1**

**October 15, 2021**

London Hydro Inc. (London Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on August 30, 2021 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that London Hydro charges for electricity distribution, beginning May 1, 2022.

A Notice of Hearing was issued on September 13, 2021. Each of Chippewas of Kettle and Stony Point First Nation with Southwind Development Corporation (CKSPFN - Southwind), Consumers Council of Canada (CCC), Environmental Defence, London Property Management Association (LPMA), School Energy Coalition (SEC), and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

No objection was received from London Hydro.

**Intervention Request of CKSPFN – Southwind**

In its intervention letter CKSPFN – Southwind noted that it is a new intervenor and is intervening in its capacity as representing members of Chippewas of Kettle and Stony Point First Nation who are off-reserve customers of London Hydro. CKSPFN-Southwind is approved as an intervenor in its capacity as representing members of Chippewas of Kettle and Stony Point First Nation who are off-reserve customers of London Hydro. CKSPFN-Southwind is eligible to apply for cost awards under the OEB's [\*Practice Direction on Cost Awards\*](#). As a new intervenor, CKSPFN-Southwind is reminded that it must focus its participation on matters that are within the scope of this proceeding as determined by the OEB. In determining cost awards, the OEB will assess whether cost eligible intervenors focused their participation on issues that are within the scope of the OEB's review of this rate application.

## **Intervention Requests of CCC, Environmental Defence, LPMA, SEC and VECC**

CCC, Environmental Defence, LPMA, SEC and VECC are approved as intervenors. CCC, Environmental Defence, LPMA, 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. Further, 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 also consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues. Cost award decisions are made at the end of the proceeding.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

## **Issues List**

At this time, the OEB is making provision for the development of an issues list prior to the filing of interrogatories. London Hydro, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration. Parties are encouraged to reach consensus on the proposed issues. The OEB will approve an issues list prior to the filing of interrogatories.

## **Interrogatories**

The OEB is also making provision for written 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 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, in particular 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 benchmarking results in assessing cost forecasts, bill impacts and distributor performance.

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.

### **Presentation of Settlement Proposal**

The OEB is also making a provision for a settlement conference. Following the settlement conference, provision is being made for the filing of letters informing the OEB of the status of the settlement discussions, the presentation of any settlement proposal filed by London Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. London Hydro's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal.

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. London Hydro, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list, 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 **October 22, 2021**.
2. OEB staff shall request any relevant information and documentation from London Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **November 1, 2021**.
3. Intervenors shall request any relevant information and documentation from London Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **November 5, 2021**.
4. London Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **November 19, 2021**.

5. A settlement conference among the parties and OEB staff will be convened on **November 29-30, 2021**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **December 1, 2021**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
6. **Within 48 hours** of the conclusion of the settlement conference, London 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 intend to continue settlement discussions beyond the scheduled conference.
7. If there is no settlement proposal arising from the settlement conference, London Hydro shall file a statement to that effect with the OEB by **December 8, 2021**. In that event, parties shall file and serve on the other parties by **December 15, 2021**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
8. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **January 10, 2022**. 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.
9. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **January 17, 2022**.
10. The OEB is setting a tentative date of **January 25, 2022**, for London Hydro to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

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-2021-0041** 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 [Filing Systems 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

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, Jerry Wang at [Jerry.Wang@oeb.ca](mailto:Jerry.Wang@oeb.ca) and OEB Counsel, Ljuba Djurdjevic at [Ljuba.Djurdjevic@oeb.ca](mailto:Ljuba.Djurdjevic@oeb.ca).

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

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

**DATED** at Toronto, **October 15, 2021**

**ONTARIO ENERGY BOARD**

**By delegation, before: Christine E. Long**

*Original signed by*

Christine E. Long  
Registrar

**SCHEDULE A**  
**PROCEDURAL ORDER NO. 1**  
**LONDON HYDRO INC.**  
**EB-2021-0041**  
**APPLICANT & LIST OF INTERVENORS**

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October 15, 2021

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**APPLICANT**

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October 15, 2021

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**INTERVENORS**

**Rep. and Address for Service**

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Stony Point First Nation  
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Corporation**

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## APPLICANT & LIST OF INTERVENORS

October 15, 2021

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