

**Elexicon Energy Inc.**

**Application for electricity distribution rates and other  
charges effective January 1, 2023**

**PROCEDURAL ORDER NO. 3  
December 22, 2022**

Elexicon Energy Inc. (Elexicon Energy) filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) on July 28, 2022, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to its electricity distribution rates to be effective January 1, 2023.

On November 1, 2022, the OEB bifurcated the application. The OEB determined that it would consider the IRM elements during Phase 1 and the incremental capital module (ICM) requests as part of Phase 2. The OEB issued a Partial Decision and Order deciding on the Phase 1 IRM elements on December 8, 2022.

In Phase 2, the OEB is deciding on three ICM requests, including a request for an exemption from section 3.2 of the Distribution System Code and related funding request for the Sustainable Brooklin ICM. In Procedural Order No. 2, the OEB found that some interrogatory responses related to the ICM requests required further discovery and clarification. As a result, the OEB ordered that a technical conference be held on January 12-13, 2023 to permit parties to ask clarification questions on ICM-related interrogatory responses.

**Brooklin Landowners Request to File Evidence**

One of the parties who was granted intervenor status in this proceeding is the Brooklin Landowners Group (Brooklin Landowners). The Brooklin Landowners comprises a group of 12 landowners/developers who intend to construct multiple new residential subdivisions within the new community of North Brooklin, Ontario. The Sustainable Brooklin ICM, described in Elexicon Energy's application, pertains to the community of North Brooklin.

On December 14, 2022, the OEB received a request from the Brooklin Landowners, seeking leave to (i) provide written responses or supplement the written responses of Elexicon Energy, to various interrogatories set out in their letter; and (ii) make a Brooklin representative available at the Technical Conference on January 12, 2023 to answer any follow-up questions from OEB staff or other intervenors.

Having reviewed the interrogatory responses identified in the letter of the Brooklin Landowners', the OEB agrees that the Brooklin Landowners likely have further relevant information. It would have been preferable for Elexicon Energy to have sought the Brooklin Landowners' input in originally answering the interrogatories to provide complete responses at that time. However, in the circumstances, the OEB grants the Brooklin Landowners' request for leave to file evidence in this proceeding. The OEB prefers to have all available information on the record of the proceeding for its consideration. The OEB also accepts Brooklin Landowners' offer to make its witness(es) available at the technical conference to clarify the interrogatory responses provided by the Brooklin Landowners.

The Brooklin Landowners should leverage Elexicon Energy's interrogatory numbering format, adding "Supplemental" for cross-reference purposes. Both the supplemental interrogatory responses and the technical conference transcript will be part of the evidentiary record in this proceeding. The OEB expects the Brooklin Landowners to file the member(s) of its witness panel, title(s) and qualification(s) related to the supplemental interrogatory responses in advance of the technical conference.

The Brooklin Landowners is not the applicant seeking approval for incremental capital funding from the OEB. It would inform the OEB to know whether the supplemental interrogatory responses of the Brooklin Landowners are being adopted by Elexicon Energy in support of its application. As set out below, the OEB orders Elexicon Energy to advise parties as to whether it adopts the supplemental evidence filed by Brooklin Landowners. In the event that Elexicon Energy takes issue with specific responses of the Brooklin Landowners, Elexicon Energy should set out the evidence that it does not agree with and the reason for its disagreement.

In scheduling these additional procedural steps, the OEB is changing the dates of the technical conference to January 17 and 18, 2023. This is being done to allow parties sufficient time to review the supplemental information filed by the Brooklin Landowners and draft questions for the appropriate witness panels in advance of the technical conference.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:**

1. Brooklin Landowners shall file its written responses to the interrogatories set out in its letter of December 14, 2022 by **January 9, 2023**.
2. Elexicon Energy shall file a letter with the OEB, copying all parties, indicating whether it adopts the supplemental interrogatory responses of Brooklin Landowners in support of this application by **January 12, 2023**. In the event that Elexicon Energy takes issue with specific responses of the Brooklin Landowners, Elexicon Energy should set out the evidence that it does not agree with and the reason for its disagreement.
3. A transcribed technical conference will be held on **January 17, 2023**, starting at 9:30 a.m. to clarify any matters arising from the ICM interrogatories only. If required, the technical conference will continue on **January 18, 2023**. The technical conference will be held virtually. Details and instructions regarding participation will be circulated in advance of the technical conference.
4. Elexicon Energy and the Brooklin Landowners shall file with the OEB complete written responses to any undertakings given at the technical conference and serve them on all parties by **January 24, 2023**.
5. Elexicon Energy, OEB staff and all intervenors may file a submission on the type of hearing (written/oral) for each of the three ICM requests in the application (i.e. The Whitby Smart Grid ICM funding request, the Advanced Distribution Management System ICM funding request for the Veridian rate zone related to the Whitby Smart Grid, and the Sustainable Brooklin ICM funding request) by **January 27, 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-2022-0024** 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 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, Birgit Armstrong at [birgit.armstrong@oeb.ca](mailto:birgit.armstrong@oeb.ca) and OEB Counsel, Lawren Murray at [lawren.murray@oeb.ca](mailto:lawren.murray@oeb.ca).

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

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

**DATED** at Toronto, **December 22, 2022**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar