



**Toronto Hydro-Electric System Limited**  
**Application for electricity distribution rates**  
**beginning January 1, 2025**

**PROCEDURAL ORDER NO. 1**  
**January 15, 2024**

Toronto Hydro-Electric System Limited (Toronto Hydro) filed an application with the Ontario Energy Board (OEB) on November 17, 2023, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, beginning January 1, 2025, and for each following year through to December 31, 2029.

A Notice of Hearing was issued on December 1, 2023. To date, the OEB has received 21 letters of comment from Toronto Hydro customers. The letters have been placed on the record of this proceeding and are publicly available on the OEB's website. Toronto Hydro is required to address the issues raised in letters of comment by way of a document filed in this proceeding.

The following parties applied for intervenor status:

- Association of Major Power Consumers in Ontario (AMPCO)
- Building Owners and Managers Association (BOMA)
- Consumers Council of Canada (CCC)
- Coalition of Concerned Manufacturers and Businesses of Canada (CCMBC)
- Distributed Resources Coalition (DRC)
- Enbridge Gas Inc. (Enbridge Gas)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence (ED)
- Pollution Probe
- Power Workers' Union (PWU)
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

AMPCO, BOMA, CCC, CCMBC, DRC, Energy Probe, ED, Pollution Probe, SEC and VECC also applied for cost award eligibility.

Toronto Hydro had no objections to the requests for intervenor status in this proceeding.

All requests for intervenor status are approved. The list of parties to this proceeding is attached as Schedule A to this Procedural Order.

AMPCO, BOMA, CCC, CCMBC, DRC, Energy Probe, ED, Pollution Probe, SEC and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

There are twelve intervenors in this proceeding. The OEB will be carefully monitoring intervenor participation for unnecessary duplication and overlap in the production of any evidence, the conduct of discovery and the filing of argument in this proceeding. The OEB will be rigorous in ensuring that intervenors limit their participation to the matters that are within the scope of the proceeding, as set through the final Issues List. The OEB draws the attention of intervenors to sections 5.01 (d), (e) and (f) of the [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. If a party intends to have more than one representative attend an event, the party should file a letter explaining why that is necessary.

The OEB notes that CCMBC and EP have common representation. In making its decision on cost awards, the OEB will consider whether the representatives of CCMBC and EP made reasonable efforts to avoid duplication and double billing. When submitting their cost claims, CCMBC and EP should explain how they coordinated efforts in this proceeding, or if not, why that was not appropriate in their view.

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 the proceeding.

### Issues List

On January 11, 2024, Toronto Hydro filed a draft issues list, which is attached as Schedule B. <https://www.oeb.ca/sites/default/files/issues-list-electricity-distribution-rates.pdf> At this time, the OEB is making provision for an issues conference amongst parties and OEB staff to consider the draft issues list filed by Toronto Hydro and to consider, more generally, the issues that should be part of Toronto Hydro's application. The issues conference will be held on **January 22, 2024**.

If parties are unable to reach consensus on a proposed issues list for OEB approval, parties shall file written submissions on these matters by **January 26, 2024**.

If parties reach an agreement on a proposed issues list, OEB staff shall file the proposed issues list by **January 26, 2024**.

The OEB expects to issue its decision on the final issues list prior to the filing of interrogatories.

### **Request to Hear the Application in Phases**

Toronto Hydro has requested that the OEB set the metrics of its custom scorecard as a second phase of this proceeding to be heard concurrent with the draft rate order phase of the proceeding.

The OEB notes that Toronto Hydro's proposed issue number 2.3 asks whether its approach to defer the finalization of performance targets to a Phase 2 is appropriate.

As noted above, the OEB is making provision for an issues conference to consider the draft issues list. As part of that conference, parties and OEB staff should discuss whether it is appropriate to defer finalization of performance targets to a Phase 2. If parties reach consensus on this issue, it can be noted in any proposed issues list filed by OEB staff on **January 26, 2024**. If there is no consensus as to whether it is appropriate to defer finalization of performance targets to a Phase 2, parties can include this issue in their written submissions on the issues list due **January 26, 2024**.

The OEB will make a decision after the issues conference on whether the metrics of Toronto Hydro's custom scorecard should be heard in a second phase of this proceeding.

### **Confidentiality**

By letter dated November 17, 2023, Toronto Hydro requested the OEB allow for certain information to be redacted from the public record:

- Personal information contained in corporate income tax returns
  - Exhibit 6, Tab 2, Schedule 3, Form T661
  - Exhibit 6, Tab 2, Schedule 3, T2 Summary
- Business numbers contained in corporate income tax returns
  - Exhibit 6, Tab 2, Schedule 3, Form T661
  - Exhibit 6, Tab 2, Schedule 3, T2 Summary
- Information posing security and safety-related risks
  - Exhibit 2B, Section E4, Appendix A
  - Exhibit 2B, Section E8.1
  - Exhibit 2B, Section E8.2
- Labour sensitive information

- Exhibit 1B, Tab 3, Schedule 3
- Exhibit 2A, Tab 4, Schedule 2
- Exhibit 2A, Tab 4, Schedule 2, Appendix 2-D
- Exhibit 4, Tab 1, Schedule 1
- Exhibit 4, Tab 4, Schedule 1
- Exhibit 4, Tab 4, Schedule 2, Appendix 2K
- Exhibit 4, Tab 4, Schedule 4

In accordance with the OEB's [Practice Direction on Confidential Filings](#), Toronto Hydro provided reasons for the redactions requested. As part of its request, Toronto Hydro also requested that only external counsel and/or external consultant(s) representing the unions in this proceeding be permitted to have access to the labour sensitive information and that, as a condition of obtaining access, they be required to execute and file (i) the OEB's standard confidentiality Declaration and Undertaking, and (ii) an affidavit or sworn declaration confirming that they are at arms-length from the union and are not and will not be involved in any way in collective bargaining on behalf of the union through to the end of the rate period covered by the application.

At this time, provision will be made for the filing of submissions on Toronto Hydro's confidentiality requests. Under the [Practice Direction on Confidential Filings](#), the default is that intervenors and OEB staff have five business days to file any objections to the confidentiality requests and Toronto Hydro has an additional five business days to reply to any objections. Given the number and nature of the redactions requested, the OEB is providing intervenors and OEB staff additional time to file objections on the redactions requested. The timelines for submissions on the confidentiality requests are set out below. Submissions can address any of the redactions requested except the redactions for personal information. In accordance with the OEB's [Practice Direction on Confidential Filings](#), OEB staff will review the redactions for personal information to ensure the information qualifies as personal information under the *Freedom of Information and Protection of Privacy Act*. Counsel and consultants for intervenors who wish to make submissions on the request for confidentiality shall be granted access to the un-redacted documents provided they have executed the OEB's standard Declaration and Undertaking. The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Toronto Hydro. In addition, consistent with other recent proceedings, in respect of parties representing PWU:<sup>1</sup>

- Only external counsel and external consultants representing PWU in this proceeding shall be permitted to have access to labour-sensitive information

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<sup>1</sup> E.g., EB-2021-0110, Decision on Blue Page Update, Confidentiality Request and Reply on Expert Evidence and Procedural Order No. 2, October 25, 2021; and EB-2020-0290, Decision on Confidentiality, June 8, 2021.

- In addition to having to execute the OEB's standard Declaration and Undertaking, each external consultant or external counsel representing PWU shall be required to execute and file an affidavit or sworn declaration confirming that the individual is at arms-length from PWU and is not and will not be involved in any way in collective bargaining on behalf of PWU through to the end of the rate period covered by the application

### **OEB Staff and Intervenor Evidence**

On January 12, 2024, OEB staff filed a letter informing the OEB and all participants that it has engaged experts to review Toronto Hydro's evidence and possibly prepare evidence on the econometric modelling, Custom Incentive Rate-setting Framework, and Distribution System Plan. OEB staff stated that it will file a letter indicating what expert evidence it intends to file in accordance with the instructions provided in Procedural Order No. 1.

Any intervenor wishing to file evidence in this proceeding must inform the OEB of its intention and the nature of its proposed evidence, and how it is relevant to the issues list. If any cost eligible intervenor plans to file expert evidence in this proceeding and seek recovery of those costs, the intervenor must file a letter with the OEB describing the nature of the evidence, whether the evidence will be commissioned jointly with other intervenors, and the estimated cost. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the evidence. In addition, if the intervenor's evidence will cover the topics that OEB staff identified in its January 12, 2024 letter, the intervenor must explain how its evidence is different from, or compliments, OEB staff's potential evidence and satisfy the OEB that there is good reason that the OEB should allow the evidence to be filed.

OEB staff and intervenors shall inform the OEB by letter of their plans to file expert evidence in this proceeding by **January 26, 2024**.

After reviewing the above information, the OEB will consider whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB's [Practice Direction on Cost Awards](#).

### **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 numbering for each interrogatory should be continuous. Parties should not restart the numbering for interrogatories associated with each exhibit and tab. The format is: [issue number]-[acronym of party]-[interrogatory number for that party]. As an example, OEB staff's fifth interrogatory could be related to issue 2.3. Therefore, it would be titled as "2.3-Staff-005". OEB staff's 40th interrogatory could be related to issue 2.6. Therefore, it would be titled as "2.6-Staff-040".

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 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.

### Technical Conference

The OEB is making provision for a transcribed technical conference. In preparation for the technical conference, the OEB will require parties to file a description of the specific areas that they will be focusing on and an estimate of time required for each area of focus by **March 26, 2024**. This will allow a technical conference schedule to be developed. If parties wish to file specific questions in advance, they may do so.

The technical conference will start on **April 2, 2024**, and continue until **April 8, 2024**, if necessary. Responses to undertakings from the technical conference shall be filed with the OEB by **April 18, 2024**.

### Motions Hearing

The OEB is making provision for a transcribed motions hearing, if necessary, on **April 25, 2024**. The purpose of this hearing is to provide an opportunity for the OEB to

address any motions that may be filed with respect to interrogatory responses, technical conference undertaking responses, and other matters.

### **Evidence Presentation**

On January 11, 2024, Toronto Hydro filed a letter requesting the opportunity to deliver an Evidence Presentation after the Technical Conference and prior to the Settlement Conference.

At this time, provision is being made for a transcribed Evidence Presentation on **May 22, 2024**. Questions during the Evidence Presentation will be limited to the Panel of OEB Commissioners for this application.

### **Settlement Conference**

The OEB is making provision for a settlement conference to be held from **May 27 to May 31, 2024**. No later than May 31, 2024, a letter from OEB staff shall be filed with the OEB (the settlement progress letter). The settlement progress letter will indicate whether parties believe that a full, partial, or substantial but incomplete, settlement is achievable if additional time is granted.

The OEB panel will evaluate whether there is value in the settlement conference continuing based on the settlement progress letter. If there is the prospect of a full, partial, or substantial but incomplete settlement, the OEB panel may provide for the settlement conference to continue beyond the dates scheduled in this procedural order. The OEB is asking all parties to hold **June 3 to 5, 2024**, in the event additional time is required. However, if parties do not believe that a full, partial, or substantial but incomplete, settlement is likely, the OEB may end the settlement conference and proceed to an oral hearing or to submissions.

### **Format of the Hearing**

In its Notice of Hearing, the OEB invited parties to state their preference for the format of the hearing. Most parties did not express a preference for the type of proceeding or submitted that it was premature to determine the type of hearing until after the discovery process has been completed. PWU submitted that an oral hearing is appropriate, in light of the complexity and scale of the proceeding. Pollution Probe submitted that hybrid hearings have been proven effective for large complex proceedings similar to the current proceeding. The OEB will make its determination on the format of the hearing at a later date.

## Illustrative Schedule

The OEB has attached illustrative hearing schedules in Schedule C for the proceeding. Depending on the substance of the settlement progress letter filed by parties or the outcome of the settlement conference (i.e., full settlement, substantial but incomplete settlement, or a letter advising that there is little prospect of a substantial settlement), Schedule C shows illustrative impacts to the remainder of the hearing schedule. There are other scenarios that may occur in this proceeding (e.g., the settlement progress letter advises that a substantial settlement is achievable and additional time is granted by the OEB, but in the end no, or a very limited, settlement is reached). Therefore, the procedural steps after the start of the settlement conference should be viewed as illustrative.

This Procedural Order only provides procedural steps to the end of the settlement conference as currently scheduled (May 31, 2024). The OEB will provide next steps after reviewing the settlement progress letter.

The OEB notes that the precise dates, or need, for an oral hearing will not be known until after the conclusion of the settlement conference. However, if an oral hearing is required, it will likely be held in July 2024. The OEB expects Toronto Hydro and intervenors to plan accordingly.

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:

### Issues List

1. An issues conference will be held on **January 22, 2024**, starting at 9:30 a.m. This event will be conducted virtually. Further information on how to participate in the event will be communicated to parties closer to the date.
2. If parties are unable to reach consensus on a proposed issues list, OEB staff and parties shall file written submissions on these matters with the OEB, and serve them on all parties, by **January 26, 2024**.
3. If parties reach an agreement on a proposed issues list, OEB staff shall file with the OEB, and serve on all parties, the proposed issues list by **January 26, 2024**.



### Confidentiality

4. OEB staff and intervenors who wish to make written submissions on Toronto Hydro's confidentiality requests shall file such submissions with the OEB, and serve them on all parties, by **January 24, 2024**.
5. If Toronto Hydro wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all intervenors by **January 29, 2024**.

### Interrogatories

6. OEB staff and intervenors shall request any relevant information and documentation from Toronto Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **February 12, 2024**.
7. Toronto Hydro shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **March 11, 2024**.

### Technical Conference

8. A transcribed technical conference will be held on **April 2, 2024**, starting at 9:30 a.m. If necessary, the technical conference will continue to **April 3, 4, 5, and 8, 2024**. OEB staff and intervenors shall file with the OEB, and provide to Toronto Hydro, a description of the specific areas they will focus on at the technical conference, and time estimates by **March 26, 2024**. Further information on how to participate in the event will be communicated to parties closer to the date.
9. Responses to undertakings from the technical conference shall be filed with the OEB and sent to all intervenors by **April 18, 2024**.

### Motions Hearing

10. If necessary, a transcribed motions hearing will be held on **April 25, 2024**, starting at 9:30 a.m. to hear any motions that have been filed. Further information on how to participate will be communicated to parties closer to the date.

### OEB Staff and Intervenor Evidence

11. OEB staff and intervenors shall inform the OEB by letter of their plans to file expert evidence in this proceeding by **January 26, 2024**. The letters shall provide a description of the nature of the evidence, whether the expert evidence will be commissioned jointly with other parties, and cost eligible intervenors shall also provide the estimated cost. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant in relation to the expert evidence.
12. If OEB staff or any intervenor are filing expert evidence that is relevant to this proceeding, that evidence shall be filed with the OEB, and copied to Toronto Hydro and intervenors, by **May 1, 2024**.
13. If any party seeks information and material with respect to any evidence filed by OEB staff or any intervenor that is in addition to the evidence filed with the OEB, and that is relevant to this proceeding, that information shall be requested by written interrogatories filed with the OEB, and copied to Toronto Hydro and intervenors, by **May 8, 2024**.
14. OEB staff or intervenors that receive interrogatories on their evidence shall file with the OEB complete responses to the interrogatories and copy the responses to Toronto Hydro and intervenors by **May 17, 2024**.

### Evidence Presentation

15. A transcribed Evidence Presentation will be held on **May 22, 2024**, starting at 9:30 a.m. Questions during the Evidence Presentation will be limited to the Panel of OEB Commissioners for this application.

### Settlement Conference

16. A settlement conference among parties and OEB staff will be convened on **May 27, 2024**, starting at 9:30 a.m. If necessary, the settlement conference will continue to **May 31, 2024**. Further information on how to participate will be communicated to parties closer to the date. The OEB is asking all parties to hold **June 3 to 5, 2024**, in the event additional time is required.

17. No later than **May 31, 2024**, OEB staff shall file a letter informing the OEB of the status of the settlement discussions including whether a tentative agreement has been reached or if parties propose to continue the settlement discussions.

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-2023-0195** 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 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, Thomas Eminowicz at [Thomas.Eminowicz@oeb.ca](mailto:Thomas.Eminowicz@oeb.ca) and OEB Counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca) and Charlotte Kanya-Forstner at [Charlotte.KanyaForstner@oeb.ca](mailto:Charlotte.KanyaForstner@oeb.ca).

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

**DATED** at Toronto, **January 15, 2024**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**  
**LIST OF APPLICANT AND INTERVENORS**  
**TORONTO HYDRO ELECTRIC-SYSTEM LIMITED**  
**EB-2023-1095**  
**PROCEDURAL ORDER NO. 1**  
**DATED: JANUARY 15, 2024**

Toronto Hydro-Electric System Limited  
EB-2023-0195

**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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Toronto Hydro-Electric System Limited  
EB-2023-0195

**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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Toronto Hydro-Electric System Limited  
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**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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Toronto Hydro-Electric System Limited  
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**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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Toronto Hydro-Electric System Limited  
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**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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Toronto Hydro-Electric System Limited  
EB-2023-0195

**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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Toronto Hydro-Electric System Limited  
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**APPLICANT & LIST OF INTERVENORS**

January 16, 2024

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**SCHEDULE B**  
**DRAFT ISSUES LIST**  
**TORONTO HYDRO ELECTRIC-SYSTEM LIMITED**  
**EB-2023-1095**  
**PROCEDURAL ORDER NO. 1**  
**DATED: JANUARY 15, 2024**

**Daliana Coban**  
**Director, Regulatory Applications & Business Support**  
Toronto Hydro-Electric System Limited  
14 Carlton Street | Toronto, Ontario, M5B 1K5  
Visit us at: [www.torontohydro.com](http://www.torontohydro.com)  
Email: [regulatoryaffairs@torontohydro.com](mailto:regulatoryaffairs@torontohydro.com)



*Via Regulatory Electronic Submission System (RESS)*

January 11, 2024

Ms. Nancy Marconi, Registrar  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, 27th floor  
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: OEB File No. EB-2023-0195, Toronto Hydro-Electric System Limited (“Toronto Hydro”) 2025-2029 Custom Rate Application for Electricity Distribution Rates and Charges – Draft Issues List**


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To facilitate timely adjudication of the application, Toronto Hydro is filing a Draft Issues List for interested parties to consider in advance of the Issues Conference.

The Draft Issues List was developed on the basis of the OEB’s Generic Issues List for Electricity Distribution Rates,<sup>1</sup> and with regard to the Issues List approved by the OEB in Toronto Hydro’s last major rate application for 2020-2024 electricity distribution rates (OEB File No. EB-2018-0165).

Please do not hesitate to contact us if you have any questions.

Sincerely,

**Daliana Coban**  Digitally signed by Daliana Coban  
DN: cn=Daliana Coban, c=CA,  
email=dcoban@torontohydro.com  
Date: 2024.01.11 14:03:24 -05'00'

Daliana Coban  
Director, Regulatory Applications & Business Support  
Toronto Hydro-Electric System Limited

Cc: Charles Keizer, Torys LLP

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<sup>1</sup> <https://www.oeb.ca/sites/default/files/issues-list-electricity-distribution-rates.pdf>

## **1.0 General**

- 1.1. Has Toronto Hydro responded appropriately to all relevant OEB directions from previous proceedings?
- 1.2. Is the proposed effective date of January 1, 2025 appropriate?
- 1.3. Are the rates and bill impacts resulting from Toronto Hydro's application appropriate?
- 1.4. Did Toronto Hydro appropriately consider customer needs and preferences in the formulation and refinement of its business plan?

## **2.0 Custom Incentive Rate-setting**

- 2.1. Are all elements of Toronto Hydro's Custom Incentive Rate-setting proposal for the determination of rates appropriate (including the Performance Incentive Mechanism)?
- 2.2. Subject to Issue 2.3, is Toronto Hydro's proposed custom scorecard (i.e. the performance metrics) appropriate?
- 2.3. Is Toronto Hydro's approach to defer the finalization of performance targets to a Phase 2 appropriate?

## **3.0 Rate Base and Capital Plan**

- 3.1. Are the proposed 2025-2029 rate base amounts (including the working capital allowance amounts) reasonable?
- 3.2. Is the level of 2025-2029 capital expenditures and capital in-service additions arising from the Distribution System Plan appropriate?
- 3.3. Is the proposed treatment of renewable enabling improvement investments appropriate?
- 3.4. Are Toronto Hydro's proposed depreciation expenses (including decommissioning provision and derecognition) for 2025-2029 appropriate?

## **4.0 Load and Other Revenue Forecast**

- 4.1. Is Toronto Hydro's proposed load forecast methodologies and 2025-2029 resulting load forecast reasonable?
- 4.2. Are Toronto Hydro's 2025-2029 other revenue and shared services forecasts reasonable?
- 4.3. Is the proposed shared services cost allocation methodology and the quantum appropriate?

## **5.0 Operations, Maintenance and Administration (OM&A) Costs**

- 5.1. Is the level of proposed 2025-2029 OM&A expenditures appropriate?
- 5.2. Are the compensation related costs (including, FTEs, wages, salaries, benefits, incentives, overtime, pension and OPEB costs) appropriate?

## **6.0 Revenue Requirement, Taxes, and Payments in Lieu of Taxes (PILs) Amounts**

- 6.1. Is the proposed calculation of the Revenue Requirement appropriate?
- 6.2. Are Toronto Hydro's proposed PILs and other tax amounts for 2025-2029 appropriate?

## **7.0 Cost of Capital and Capital Structure**

- 7.1. Are Toronto Hydro's proposed 2025-2029 cost of capital amounts (interest on debt and return on equity) and capital structure appropriate?

## **8.0 Cost Allocation**

- 8.1. Are Toronto Hydro's cost allocation and revenue-to-cost ratio proposals appropriate?

## **9.0 Rate Design**

- 9.1. Are Toronto Hydro's proposals for rate design (including, but not limited to, fixed / variable split, loss factors, retail transmission service rates, specific and other service charges, and rate mitigation proposals) appropriate?

## **10.0 Deferral and Variance Accounts**

- 10.1. Have the impacts of any changes in accounting standards, policies, estimates and adjustments been properly identified and recorded, and is the rate-making treatment of each of these impacts appropriate?
- 10.2. Are Toronto Hydro's proposals for the disposition of balances in existing deferral and variance accounts and other amounts appropriate?
- 10.3. Are Toronto Hydro's proposals for the establishment of new accounts, closing of existing accounts or continuation of existing accounts appropriate?



**SCHEDULE C**  
**ILLUSTRATIVE HEARING SCHEDULES**  
**TORONTO HYDRO ELECTRIC-SYSTEM LIMITED**  
**EB-2023-1095**  
**PROCEDURAL ORDER NO. 1**  
**DATED: JANUARY 15, 2024**

## Illustrative Hearing Schedule – Scenario 1

A substantial settlement occurs.

	Calendar Date	Calendar Days Elapsed
Application Filed	Friday, November 17, 2023	-14
OEB Issues Acknowledgement Letter	Monday, November 20, 2023	-10
OEB Issues Completeness Letter	Friday, December 1, 2023	0
OEB Issues Notice of Hearing	Friday, December 1, 2023	0
Affidavits of Service received	Monday, December 11, 2023	10
Last day of publication	Monday, December 15, 2023	14
<i>Holiday Break (December 16, 2023 to January 7, 2024)</i>		
Interventions Close	Monday, January 8, 2024	15
OEB Issues Procedural Order No. 1	Monday, January 15, 2024	22
Issues Conference	Monday, January 22, 2024	29
Submissions on Issues that parties unable to reach consensus	Friday, January 26, 2024	33
If agreement reached, OEB staff files proposed issues list	Friday, January 26, 2024	33
OEB Staff and Intervenors to file submissions on confidentiality, if any	Wednesday, January 24, 2024	31
Applicant to file reply submissions on confidentiality	Monday, January 29, 2024	36
OEB Staff and Intervenor letters on intention to submit Expert Evidence	Friday, January 26, 2024	33
Interrogatories - Staff and Intervenors	Monday, February 12, 2024	50
Toronto Hydro files responses to interrogatories	Monday, March 11, 2024	78
<i>March Break (March 11 to March 15, 2024)</i>		
OEB staff and intervenors to file topic areas and time estimates for Technical Conference	Tuesday, March 26, 2024	93
Technical Conference Begins	Tuesday, April 2, 2024	100
Technical Conference Ends (5 days)	Monday, April 8, 2024	106
Undertaking Responses Filed	Thursday, April 18, 2024	116
Motions Hearing Held (RE: Incomplete responses to interrogatories & Undertakings)	Thursday, April 25, 2024	123
OEB Staff and Intervenors file Evidence, if any	Wednesday, May 1, 2024	129
Interrogatories on OEB Staff/Intervenor Evidence	Wednesday, May 8, 2024	136
OEB staff and intervenor responses to interrogatories on evidence filed	Friday, May 17, 2024	145
Transcribed Evidence Presentation by Toronto Hydro	Wednesday, May 22, 2024	150
Settlement Conference Begins	Monday, May 27, 2024	155
Settlement Progress Letter Filed	Friday, May 31, 2024	159
Potential additional settlement days begin	Monday, June 3, 2024	162
Potential additional settlement days end	Wednesday, June 5, 2024	164
Settlement Proposal Filed (SUBSTANTIAL Settlement)	Tuesday, July 2, 2024	191
OEB Staff Submission on Settlement Proposal Filed	Friday, 12 July, 2024	201
Presentation of Settlement Agreement & Oral Hearing on Unsettled Issues begins (1 week)	Monday, July 22, 2024	211
Oral Hearing Ends	Friday, July 26, 2024	215
Undertakings from Oral Hearing Filed	Friday, August 2, 2024	222
Argument-in-chief filed	Friday, August 2, 2024	222
OEB Staff and Intervenor Submissions filed	Wednesday, August 21, 2024	241
Reply Argument Filed	Friday, September 13, 2024	264

## Illustrative Hearing Schedule – Scenario 2

No settlement is reached.

	Calendar Date	Calendar Days Elapsed
Application Filed	Friday, November 17, 2023	-14
OEB Issues Acknowledgement Letter	Monday, November 20, 2023	-10
OEB Issues Completeness Letter	Friday, December 1, 2023	0
OEB Issues Notice of Hearing	Friday, December 1, 2023	0
Affidavits of Service received	Monday, December 11, 2023	10
Last day of publication	Monday, December 15, 2023	14
<i>Holiday Break (December 16, 2023 to January 7, 2024)</i>		
Interventions Close	Monday, January 8, 2024	15
OEB Issues Procedural Order No. 1	Monday, January 15, 2024	22
Issues Conference	Monday, January 22, 2024	29
Submissions on Issues that parties unable to reach consensus	Friday, January 26, 2024	33
If agreement reached, OEB staff files proposed issues list	Friday, January 26, 2024	33
OEB Staff and Intervenors to file submissions on confidentiality, if any	Wednesday, January 24, 2024	31
Applicant to file reply submissions on confidentiality	Monday, January 29, 2024	36
OEB Staff and Intervenor letters on intention to submit Expert Evidence	Friday, January 26, 2024	33
Interrogatories - Staff and Intervenors	Monday, February 12, 2024	50
Toronto Hydro files responses to interrogatories	Monday, March 11, 2024	78
<i>March Break (March 11 to March 15, 2024)</i>		
OEB staff and intervenors to file topic areas and time estimates for Technical Conference	Tuesday, March 26, 2024	93
Technical Conference Begins	Tuesday, April 2, 2024	100
Technical Conference Ends (5 days)	Monday, April 8, 2024	106
Undertaking Responses Filed	Thursday, April 18, 2024	116
Motions Hearing Held (RE: Incomplete responses to interrogatories & Undertakings)	Thursday, April 25, 2024	123
OEB Staff and Intervenors file Evidence, if any	Wednesday, May 1, 2024	129
Interrogatories on OEB Staff/Intervenor Evidence	Wednesday, May 8, 2024	136
OEB staff and intervenor responses to interrogatories on evidence filed	Friday, May 17, 2024	145
Transcribed Evidence Presentation by Toronto Hydro	Wednesday, May 22, 2024	150
Settlement Conference Begins	Monday, May 27, 2024	155
Settlement Conference Ends & Settlement Progress Letter Filed	Friday, May 31, 2024	159
Oral Hearing on ALL Issues begins (3.5 weeks)	Tuesday, July 2, 2024	191
Oral Hearing Ends	Friday, July 26, 2024	215
Undertakings from Oral Hearing Filed	Friday, August 2, 2024	222
Argument-in-chief filed	Friday, August 2, 2024	222
OEB Staff and Intervenor Submissions filed	Wednesday, August 21, 2024	241
Reply Argument Filed	Friday, September 13, 2024	264

### Illustrative Hearing Schedule – Scenario 3

A partial settlement is reached.

	Calendar Date	Calendar Days Elapsed
Application Filed	Friday, November 17, 2023	-14
OEB Issues Acknowledgement Letter	Monday, November 20, 2023	-10
OEB Issues Completeness Letter	Friday, December 1, 2023	0
OEB Issues Notice of Hearing	Friday, December 1, 2023	0
Affidavits of Service received	Monday, December 11, 2023	10
Last day of publication	Monday, December 15, 2023	14
<i>Holiday Break (December 16, 2023 to January 7, 2024)</i>		
Interventions Close	Monday, January 8, 2024	15
OEB Issues Procedural Order No. 1	Monday, January 15, 2024	22
Issues Conference	Monday, January 22, 2024	29
Submissions on Issues that parties unable to reach consensus	Friday, January 26, 2024	33
If agreement reached, OEB staff files proposed issues list	Friday, January 26, 2024	33
OEB Staff and Intervenors to file submissions on confidentiality, if any	Wednesday, January 24, 2024	31
Applicant to file reply submissions on confidentiality	Monday, January 29, 2024	36
OEB Staff and Intervenor letters on intention to submit Expert Evidence	Friday, January 26, 2024	33
Interrogatories - Staff and Intervenors	Monday, February 12, 2024	50
Toronto Hydro files responses to interrogatories	Monday, March 11, 2024	78
<i>March Break (March 11 to March 15, 2024)</i>		
OEB staff and intervenors to file topic areas and time estimates for Technical Conference	Tuesday, March 26, 2024	93
Technical Conference Begins	Tuesday, April 2, 2024	100
Technical Conference Ends (5 days)	Monday, April 8, 2024	106
Undertaking Responses Filed	Thursday, April 18, 2024	116
Motions Hearing Held (RE: Incomplete responses to interrogatories & Undertakings)	Thursday, April 25, 2024	123
OEB Staff and Intervenors file Evidence, if any	Wednesday, May 1, 2024	129
Interrogatories on OEB Staff/Intervenor Evidence	Wednesday, May 8, 2024	136
OEB staff and intervenor responses to interrogatories on evidence filed	Friday, May 17, 2024	145
Transcribed Evidence Presentation by Toronto Hydro	Wednesday, May 22, 2024	150
Settlement Conference Begins	Monday, May 27, 2024	155
Settlement Progress Letter Filed	Friday, May 31, 2024	159
Potential additional settlement days begin	Monday, June 3, 2024	162
Potential additional settlement days end	Wednesday, June 5, 2024	164
Settlement Proposal Filed (PARTIAL Settlement)	Friday, June 21, 2024	180
OEB Staff Submission on Settlement Proposal Filed	Friday, June 28, 2024	187
Presentation of Settlement Agreement & Oral Hearing on Unsettled Issues begins (2 weeks)	Thursday, July 11, 2024	200
Oral Hearing Ends/Decision on Settlement Agreement	Thursday, July 25, 2024	214
Undertakings from Oral Hearing Filed	Friday, August 2, 2024	222
Argument-in-chief filed	Monday, July 29, 2024	222
OEB Staff and Intervenor Submissions filed	Wednesday, August 21, 2024	241
Reply Argument Filed	Friday, September 13, 2024	264

## Illustrative Hearing Schedule – Scenario 4

A full settlement is reached.

	Calendar Date	Calendar Days Elapsed
Application Filed	Friday, November 17, 2023	-14
OEB Issues Acknowledgement Letter	Monday, November 20, 2023	-10
OEB Issues Completeness Letter	Friday, December 1, 2023	0
OEB Issues Notice of Hearing	Friday, December 1, 2023	0
Affidavits of Service received	Monday, December 11, 2023	10
Last day of publication	Monday, December 15, 2023	14
<i>Holiday Break (December 16, 2023 to January 7, 2024)</i>		
Interventions Close	Monday, January 8, 2024	15
OEB Issues Procedural Order No. 1	Monday, January 15, 2024	22
Issues Conference	Monday, January 22, 2024	29
Submissions on Issues that parties unable to reach consensus	Friday, January 26, 2024	33
If agreement reached, OEB staff files proposed issues list	Friday, January 26, 2024	33
OEB Staff and Intervenors to file submissions on confidentiality, if any	Wednesday, January 24, 2024	31
Applicant to file reply submissions on confidentiality	Monday, January 29, 2024	36
OEB Staff and Intervenor letters on intention to submit Expert Evidence	Friday, January 26, 2024	33
Interrogatories - Staff and Intervenors	Monday, February 12, 2024	50
Toronto Hydro files responses to interrogatories	Monday, March 11, 2024	78
<i>March Break (March 11 to March 15, 2024)</i>		
OEB staff and intervenors to file topic areas and time estimates for Technical Conference	Tuesday, March 26, 2024	93
Technical Conference Begins	Tuesday, April 2, 2024	100
Technical Conference Ends (5 days)	Monday, April 8, 2024	106
Undertaking Responses Filed	Thursday, April 18, 2024	116
Motions Hearing Held (RE: Incomplete responses to interrogatories & Undertakings)	Thursday, April 25, 2024	123
OEB Staff and Intervenors file Evidence, if any	Wednesday, May 1, 2024	129
Interrogatories on OEB Staff/Intervenor Evidence	Wednesday, May 8, 2024	136
OEB staff and intervenor responses to interrogatories on evidence filed	Friday, May 17, 2024	145
Transcribed Evidence Presentation by Toronto Hydro	Wednesday, May 22, 2024	150
Settlement Conference Begins	Monday, May 27, 2024	155
Settlement Progress Letter Filed	Friday, May 31, 2024	159
Potential additional settlement days begin	Monday, June 3, 2024	162
Potential additional settlement days end	Wednesday, June 5, 2024	164
Settlement Proposal Filed (FULL Settlement)	Friday, July 5, 2024	194
OEB Staff Submission on Settlement Proposal Filed	Friday, July 19, 2024	208