



## **Essex Powerlines Corporation**

### **Application for new deferral account and electricity distribution rates and other charges beginning January 1, 2025**

### **PROCEDURAL ORDER NO. 3** **August 8, 2024**

Essex Powerlines Corporation filed an application on February 16, 2024 seeking approval to establish a new deferral account to capture commodity costs that exceed the cost of power for any kWh procured by Essex Powerlines through its Distribution System Operator Pilot Project (DSO Pilot Project).<sup>1</sup> Essex Powerlines also requested approval of two sub-accounts to track local capacity costs and energy costs (net of IESO funding and Hourly Ontario Energy Price). As the DSO Pilot Project is currently underway, Essex Powerlines is requesting that the new account be effective from February 19, 2024, to March 31, 2026. The OEB assigned EB-2024-0096 to the application.

Essex Powerlines filed a separate application on May 1, 2024, seeking approval for changes to the rates that Essex Powerlines charges for electricity distribution, beginning January 1, 2025. The OEB assigned EB-2024-0022 to the application.

The OEB determined that both applications would be combined into one proceeding and that an accelerated procedural schedule would be followed to address Essex Powerlines' request for a new deferral account and sub-accounts.

In accordance with Procedural Order No. 1 (PO 1) dated June 12, 2024, the OEB directed parties to file interrogatories in relation to the cost of service application by July 10, 2024, and for Essex Powerlines to file its responses by July 30, 2024.

Essex Powerlines filed its interrogatory responses on July 31, 2024. Included as part of its filings was a request for confidential treatment of certain portions of three

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<sup>1</sup> Essex Powerlines received approval and funding through the IESO's Grid Innovation Fund and regulatory support from the OEB Innovation Sandbox. The DSO Pilot Project aims to alleviate known constraints on the distribution system, in the Leamington area.

interrogatory responses. Redacted versions of the interrogatory responses were filed for the public record of this proceeding and unredacted versions of the documents were filed confidentially with the OEB pursuant to the *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* (Practice Direction). The confidentiality request relates to the following interrogatory responses:

1. 4-Staff-41 and 4.0-VECC-36 - salary and compensation benefits of executive staff
2. 4-SEC-30 - Shared services agreements:
  - Utilismart Services  
UCC-2019-02 - April 1, 2019: Schedules A & B and signatures
  - MSA  
September 25, 2002 – signatures  
March 1, 2009 – Schedule A and signatures
  - Utilismart Software Term Licence and Services Agreement  
UCC-2018-14 – August 1, 2018: Schedule A & B and signatures
  - Utilismart Services
  - UCC-2023-87 – November 1, 2023: Schedule A & B and signatures

Essex Powerlines notes for item 1, portions of the documents include personal information as defined under the *Freedom of Information and Protection of Privacy Act* which pertains to an identifiable individual about their employment history or information relating to financial transactions with their employer. Essex Powerlines states that the information specifically includes the salaries, benefits, pay adjustments and bonuses of certain executive staff. Essex Powerlines states that this type of information has been consistently treated in a confidential manner by Essex Powerlines and the OEB. The redacted information is related to salary ranges for positions with less than 2 FTEs.

Item 2 pertains to the shared services agreements between Essex Powerlines and its affiliates in relation to unit pricing and/or billing rates for a defined scope of work and which Essex Powerlines notes is considered presumptively confidential under the Practice Direction.

At this time, the OEB is making provision for written submissions on Essex Powerlines' request for confidential treatment of certain portions of interrogatory responses in items 1 and 2. As an interim measure, intervenors that wish to make submissions on the request for confidentiality shall be granted access to the unredacted documents in item 2 only provided they have executed the OEB's Declaration and Undertaking by filing it with the OEB and with a copy sent to Essex Powerlines.

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. Intervenors that wish to review unredacted versions of interrogatory responses for which confidential treatment is sought will sign and file the OEB's Confidentiality Declaration and Undertaking form by no later than **August 9 2024**.
2. Essex Powerlines shall provide unredacted versions of interrogatory responses to 4-SEC-30 to intervenors who signed the OEB's Confidentiality Declaration and Undertaking by no later than **August 12, 2024**.
3. OEB staff and intervenors that wish to file written submissions shall file such submissions with the OEB and deliver them to all other parties on or before **August 13, 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 numbers, **EB-2024-0022 and EB-2024-0096** 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.

For all electronic correspondence and materials relating to the cost of service application, parties must include Amber Goher at [Amber.Goher@oeb.ca](mailto:Amber.Goher@oeb.ca) and OEB Counsel, James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca).

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

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

**DATED** at Toronto, **August 8, 2024**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar