



EPCOR Natural Gas Limited Partnership

Application for natural gas distribution rates and other charges effective January 1, 2025, through December 1, 2029

PROCEDURAL ORDER NO. 1 September 5, 2024

EPCOR Natural Gas Limited Partnership (ENGLP) filed a cost of service application with the Ontario Energy Board (OEB) on July 18, 2024, under section 36 of the *Ontario Energy Board Act, 1998* seeking approval for changes to the rates it charges for natural gas distribution in its Aylmer service territory effective January 1, 2025, and approval of an incentive rate setting plan for the period of January 1, 2026, through December 31, 2029.

A Notice of Hearing was issued on August 12, 2024. Consumers Council of Canada (CCC) and Pollution Probe applied for intervenor status and cost eligibility. No objection was received from ENGLP.

CCC and Pollution Probe are approved as intervenors and are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

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.

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 a hearing.

Confidentiality Request

On August 6, 2024, ENGLP requested confidential treatment of certain information contained in Exhibit 2, Appendix 2. In its confidentiality request, ENGLP submitted that, pursuant to section 4.1.1 and Appendix B of the [Practice Direction on Confidential Filings](#) (Practice Direction), the redacted information is presumptively confidential as it involves "information that would disclose load profiles, energy usage and billing

information of a specific customer that is not personal information.” More particularly, ENGLP advised that the redacted information includes the load profiles for six customers.

In accordance with the Practice Direction, ENGLP filed a redacted copy of the information. A copy of the un-redacted information was filed separately in confidence.

Parties that wish to object to the confidentiality request should refer to section 4 of the Practice Direction and follow the timelines and process in sections 5.1.6 and 5.1.7 of the Practice Direction. If any objections to the confidentiality request are received, ENGLP can reply to the objection in accordance with the timelines set out in section 5.1.8 of the Practice Direction.

Issues List

The OEB is making provision for the development of an issues list prior to the filing of written interrogatories. Parties shall use ENGLP’s proposed draft issues list at Exhibit 1-1-1, section 1.3.20 as the starting point for discussions. If parties agree to revisions, then OEB staff will file a revised draft issues list with the OEB. If there is no agreement on whether the issues list should be revised, then OEB staff will advise the OEB in writing. The OEB will approve an issues list prior to the filing of interrogatories.

Interrogatories

At this time, provision is being made for written interrogatories. In preparing interrogatories, parties should refer to the OEB’s approved issues list for the current proceeding.

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.

Settlement Conference

The OEB is making 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 ENGLP, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB.

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. If OEB staff or intervenors have any objections to ENGLP's request for confidentiality, they shall file their written submission and serve it on ENGLP within the timelines specified in section 5.1.6 of the Practice Direction.
2. If ENGLP wishes to respond to any submission on confidentiality, it must file its written reply with the OEB and serve it on OEB staff and intervenors within the timelines specified in section 5.1.8 of the Practice Direction.
3. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties have been unable to reach an agreement on a draft issues list by **September 13, 2024**.
4. OEB staff and intervenors shall request any relevant information and documentation from ENGLP that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on ENGLP by **September 27, 2024**.
5. ENGLP shall file with the OEB complete written responses to the interrogatories and serve them on all intervenors by **October 17, 2024**.
6. A settlement conference among the parties and OEB staff will be convened on **October 28, 2024**, beginning at 9:30 a.m. If necessary, the settlement conference will continue on October 29, 2024. This will be a virtual event and information on how to participate will be provided in advance of the conference. If OEB staff or intervenors intend to submit clarification questions to ENGLP as part of the settlement process, they are encouraged to submit these questions as far in advance as possible of the commencement of the settlement conference, in the interests of making the settlement process as efficient as possible.
7. **Within 48 hours** of the conclusion of the settlement conference, ENGLP 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 propose to continue the settlement discussions.
8. If there is no settlement proposal arising from the settlement conference, ENGLP shall file a statement to that effect with the OEB by **November 5, 2024**. In that event, parties shall file and serve on the other parties by **November 12, 2024**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

9. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **November 21, 2024**. 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.
10. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **November 28, 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 number, **EB-2024-0130** 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 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, Tina Zhu at tina.zhu@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **September 5, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A

LIST OF APPLICANT AND INTERVENORS

PROCEDURAL ORDER NO. 1

EB-2024-0130

EPCOR NATURAL GAS LIMITED PARTNERSHIP

APPLICANT & LIST OF INTERVENORS

September 5, 2024

APPLICANT

Rep. and Contact Information for Service

**EPCOR Natural Gas Limited
Partnership**

Tim Hesselink

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INTERVENORS

Rep. and Contact Information for Service

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Canada**

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APPLICANT & LIST OF INTERVENORS

September 5, 2024

Pollution Probe

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