



**EB-2013-0192**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B);

**AND IN THE MATTER OF** a proceeding commenced on the Board's own motion to consider whether proposed amendments to the licence of the Ontario Power Authority (the "OPA") (EO-2010-0220) intended to reflect the OPA's obligations in the regional planning process, are appropriate.

**PROCEDURAL ORDER NO. 1**

**June 19, 2013**

On October 18, 2012, the Board issued its [Report of the Board – A Renewed Regulatory Framework for Electricity Distributors: A Performance Based Approach](#) (the "RRFE Report"). In the RRFE Report, the Board concluded that infrastructure planning on a regional basis is required to ensure that regional issues and requirements are effectively integrated into utility planning processes, and indicated that it would establish a process in order to move to a more structured approach to regional infrastructure planning.

The Board convened a stakeholder working group (the "Working Group") to prepare a report to the Board (the "Working Group Report") that set out the details of an appropriate regional infrastructure planning process. The OPA was a member of the Working Group. The Working Group Report identified that changes to the Board's regulatory instruments and changes to the OPA's licence (EO-2010-0220) were necessary to support the regional planning process.

On May 17, 2013, the Board issued proposed code amendments to reflect the obligations of licensed transmitters and licensed distributors in the regional planning process.

On June 3, 2013, the Board issued a Notice (the “June 3<sup>rd</sup> Notice”) initiating this proceeding which included proposed amendments to the OPA’s licence. As stated in the June 3<sup>rd</sup> Notice, the issue in this proceeding is whether the proposed amendments to the OPA licence, which are intended to reflect the OPA’s obligations in the regional planning process as well as associated timelines to carry out those obligations, are appropriate.

## **Interventions**

The Board received ten requests for intervenor status and one request for observer status by the deadline of June 15, 2013. No letters of comment were received. The Board will grant intervenor status to all ten parties. The list of parties to this proceeding is attached as Appendix A to this procedural order.

## **Cost Awards**

The Board has determined that cost awards will be available to eligible parties under section 26 of the *Ontario Energy Board Act, 1998* in relation to this proceeding. The Board has also determined that the costs to be awarded will be recovered from the OPA.

In response to the June 3<sup>rd</sup> Notice, eight parties indicated that they would be seeking cost eligibility; namely, the Canadian Manufacturers & Exporters (“CME”), Building Owners and Managers Association (“BOMA”), Association of Power Producers of Ontario (“APP<sub>ro</sub>”), Ontario Sustainable Energy Association (“OSEA”), Ontario Energy Storage Alliance (“OESA”), Northwatch, the Ojibways of Pic River First Nation (“PRFN”) and Northwestern Ontario Associated Chambers of Commerce (“NOACC”). NOACC indicated its intent to collaborate with Northwestern Ontario Municipal Association (“NOMA”) and the Corporation of the City of Thunder Bay (“Thunder Bay”).

The Board confirms that CME, BOMA, APP<sub>ro</sub>, OSEA, OESA, Northwatch, NOACC, and PFRN are eligible for an award of costs based on the criteria for eligibility set out in section 3 of the *Board’s Practice Direction on Cost Awards*. Neither NOMA nor Thunder Bay is eligible for costs because each of them is either a municipality or a group of municipalities in Ontario and is therefore specifically ineligible as set out in section 3.05(i) of the *Board’s Practice Direction on Cost Awards*. The Board therefore expects that in relation to the coordinated intervention of NOACC, NOMA and Thunder Bay, any claim for costs filed with the Board shall relate only to the costs incurred by NOACC. The Board expects that all cost eligible parties will make every effort to communicate and to co-ordinate their participation in this process to the extent that they represent the same interests or class of persons.

## Scope of Proceeding

The Board considers it necessary to clarify the scope of the proceeding. This proceeding is focused on determining the OPA's obligations in the regional planning process in a manner that is consistent with the Working Group Report, and to determine the appropriate timelines in relation to carrying out those obligations. The Board has endorsed the process set out in the Working Group Report. An opportunity was provided to comment on that Working Group Report and the Board now considers it to be final. As such, any submissions on the process in the Working Group Report are not within the scope of this proceeding and will therefore not be considered by the Board.

This proceeding will also not address how the OPA carries out the Integrated Regional Resource Planning ("IRRP") process. For example, the degree of stakeholder engagement that the OPA undertakes at various stages in the regional planning process and how various options (e.g., CDM, generation, etc.) will be evaluated by the OPA (e.g., through the use of estimated bill impacts) are not within the scope of this proceeding. Matters related to stakeholder engagement in the IRRP process are being addressed in a separate process – the Government's Regional Energy Planning initiative. The OPA and the Independent Electricity System Operator ("IESO") are holding a separate consultation process, with recommendations due to the Minister on August 1, 2013.

The Board expects that all parties will limit their submissions to matters that are within the scope of this proceeding as clarified above. The Board hereby provides notice to cost eligible parties that in evaluating any cost claims filed, the Board will consider all criteria provided in the *Practice Direction on Cost Awards*, including whether a party addressed issues that are within the scope of this proceeding.

## Written or Oral Hearing

The June 3<sup>rd</sup> Notice indicated that the Board planned to proceed by way of a written hearing. In response to the Notice, no parties indicated a preference for an oral hearing. As such, the Board has determined that it will proceed with this matter by making provision for written submissions.

The Board considers it necessary to make provision for the following matters related to this proceeding at this time. The Board may amend this procedural order or issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. The OPA shall file its submission in relation to the proposed licence amendments (set out in [Appendix A](#) to the June 3<sup>rd</sup> Notice) with the Board and copy all parties and Board staff **on or before July 4, 2013**.
2. Intervenors and Board staff shall file any submission in relation to the proposed licence amendments or in response to the submission of the OPA with the Board and copy all parties and Board staff **on or before July 18, 2013**.
3. The OPA shall file any reply submission with the Board and copy all parties and Board staff **on or before July 25, 2013**.

All filings to the Board must quote the file number **EB-2013-0192**, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than **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, Chris Cincar at [chris.cincar@ontarioenergyboard.ca](mailto:chris.cincar@ontarioenergyboard.ca) and Board Counsel, Kristi Sebalj at [kristi.sebalj@ontarioenergyboard.ca](mailto:kristi.sebalj@ontarioenergyboard.ca).

**ADDRESS**

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**DATED** at Toronto June 19, 2013

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

## Appendix A

### Ontario Energy Board EB-2013-0192

#### LICENSEE & LIST OF INTERVENORS

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("OPA")**

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#### INTERVENORS

#### REP. AND ADDRESS FOR SERVICE

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