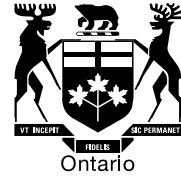


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**BY EMAIL and WEB POSTING**

April 24, 2014

**TO: All Rate Regulated Electricity Distributors  
All Rate Regulated Natural Gas Distributors  
All Rate Regulated Electricity Transmitters  
Ontario Power Generation  
Ontario Power Authority  
Independent Electricity System Operator  
All Participants in Consultation EB-2013-0301  
All Other Interested Parties**

**Re: Amendments to the Board's *Rules of Practice and Procedure* and Practice Directions**

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Over the past two years, the Board has reviewed many foundational aspects of how it exercises its mandate. This includes key components such as outcomes based and customer focussed regulation and the ongoing monitoring of performance. Work has also been undertaken to review our application process, and how the Board interacts and is responsive to consumers. In doing this work, and as a result of experience from Board proceedings, a number of revisions have been made to the Board's *Rules of Practice and Procedure* and the Practice Directions listed below. These Rules and Practice Directions provide guidance to applicants and stakeholders on how the Board plans to govern its hearing processes.

The amendments listed below include provisions designed to improve the record upon which the Board makes decisions, and facilitate access to the record of Board proceedings. Another goal was the enhancement of consumer knowledge of our processes and the demonstration of responsiveness to letters of comment. Amendments have also been included to clarify the Board's expectations for the settlement process.

The documents attached to this letter also include amendments that result from Phase 1 of the Review of the Intervenor Framework, as described in the accompanying letter.

The following regulatory documents have been amended:

- The *Rules of Practice and Procedure*
- The *Rules of Practice and Procedure for Enforcement Proceedings*
- The *Practice Direction on Confidential Filings*
- The *Practice Direction on Cost Awards*
- The Settlement Conference Guidelines (now the *Practice Direction on Settlement Conferences*)

#### *Rules of Practice and Procedure*

The revisions to the *Rules* include both substantive and administrative amendments. The substantive amendments are:

- Rule 9: highlighting the ability to access all documents in a proceeding through the Board's website;
- Rule 11: additional requirements for the filing of revisions to evidence, to enable the Board and parties to understand the effect of the revision;
- Rule 13: creation of a form for experts to file, acknowledging their duty to the Board;
- Rules 22 and 25: By implementing an administrative process by which stakeholders can easily sign up through the Board's website to monitor the Board's proceedings, the Board has determined that observer status is no longer required. This change facilitates access to the Board's proceedings by removing the requirement to formally file and serve a request to receive documents;
- The amendments to Rule 22.03 (formerly 23.03) listed in the letter describing the results of Phase 1 of the Intervenor Consultation;
- Rule 23 (formerly Rule 24): a requirement for applicants to respond to issues raised in letters of comment; and
- Rule 30 (formerly Rule 32): increased emphasis on the need to include rationale in settlement agreements.

The administrative revisions include the formalization of "the 24-hour rule" for pre-filing material to be used in a hearing (Rule 14), a numbering protocol for interrogatories (Rule 26) and the editing or deletion of several words and unnecessary definitions.

#### *Rules of Practice and Procedure for Enforcement Proceedings*

A minor edit (to match the edit made in the general *Rules*) was made to section 5.02 of the *Rules for Enforcement Proceedings*, and reference to the expert's duty form was

added. No change to Rule 12 (amendments to the evidentiary record and new information) was made to match the amendments in Rule 11 of the general *Rules*, given the difference in the way the record is created for applications (under the general *Rules*) and enforcement proceedings.

#### *Practice Direction on Confidential Filings*

Two changes were made to the *Practice Direction on Confidential Filings*. A sentence was added to section 5.1.12 to clarify that the Board may refuse a request to withdraw information where the probative value of the information outweighs the prejudice of disclosure. Secondly, the forms for Declaration and Undertaking and the Certificate of Destruction are now in writable pdf format.

#### *Practice Direction on Cost Awards*

Certain amendments to sections 3.03, 3.04, 5.01, 6.10 of the *Practice Direction on Cost Awards* and the addition of subsection 3.03.1, are described in the letter regarding completion of Phase 1 of the Intervenor Consultation. In addition, the subsections of Section 5.01 were edited and consolidated, and increased emphasis was placed on the need for focus on relevant and material issues.

#### *Practice Direction on Settlement Conferences*

The document formerly entitled “Settlement Conference Guidelines” has been renamed the *Practice Direction on Settlement Conferences* to create consistency with the other practice directions of the Board. This Practice Direction contains several substantive amendments, particularly:

- A restriction on the participation of Ontario utilities in the settlement conferences of other utilities;
- An emphasis on requiring settlement proposals to include rationale for the proposal;
- A new requirement on Board staff to file a submission commenting on the settlement proposal, and increased emphasis on the fact that staff are prohibited from discussing with the Board panel hearing the case the content of the settlement proposal or the process by which the settlement was reached;
- A statement that the Board may provide for Board staff to be a party to the settlement in some cases (the previous Guideline contemplated Board staff negotiating with the applicant where there were no or very few intervenors); and
- A restriction on the ability of late intervenors, or parties who did not choose to participate in the settlement conference, to oppose the settlement proposal.

Other revisions to the *Practice Direction on Settlement Conferences* were editorial in nature.

Attached to this letter are versions tracking the changes made to the *Rules*, and each of the revised *Practice Directions*.

The revisions to these documents come into force today, with the exception of Rule 22.03(b) and the *Practice Direction on Cost Awards*, which come into effect on June 2, 2014. The revised documents are available on the Board's website at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca).

Yours truly,

*Original Signed By*

Kirsten Walli,  
Board Secretary