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Filing Requirements
For
Electricity Distribution Rate Applications
- 2021 Edition for 2022 Rate Applications -

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Chapter 1

Overview

June 24, 2021

Chapter 1 Overview

This document provides information about the filing requirements for electricity distribution rate applications. It is designed to provide direction to distributors, and it is expected that distributors will file applications consistent with the filing requirements. If circumstances warrant, the Ontario Energy Board (OEB) may require a distributor to file evidence in addition to what is identified in the filing requirements.

On October 13, 2016, the OEB released its [*Handbook for Utility Rate Applications*](#) (the Handbook) to provide guidance to utilities and stakeholders on applications to the OEB for approval of rates under the renewed regulatory framework (RRF). The Handbook outlines the key principles and expectations the OEB will apply when reviewing rate applications, and is applicable to all rate regulated utilities, including electricity distributors, electricity transmitters, natural gas utilities and Ontario Power Generation. The OEB expects utilities to file rate applications consistent with the Handbook unless a utility can demonstrate a strong rationale for departing from it.

The OEB is continuing to maintain filing requirements for cost of service applications, which assist utilities by identifying specific information that needs to be provided in an application. Utilities must continue to meet these requirements in addition to filing applications consistent with the Handbook.

These filing requirements apply only to electricity distributors. Unless specifically identified, the words “utility”, “utilities”, “applicant” or “applicants”, in this document refer to electricity distributors. Electricity transmitters should consult the February 11, 2016 edition of the filing requirements for transmitters for guidance on rate applications.

References to a “party” or “parties” may, depending on the context, refer to the distributor, OEB staff and any registered intervenors, either individually or collectively.

Chapters Included in this Filing Requirements Document

This Filing Requirements document sets out the information that must be included in a distribution rate application.

Chapter 1 outlines generic procedural matters and the expectations of the OEB for parties participating in rate-setting processes.

Chapter 2 details the filing requirements for an electricity distributor filing a cost of service rate application based on a forward test year.

Chapter 3 details the filing requirements under the incentive regulation mechanism used for rate-setting when there is no requirement to file a cost of service rate application (Price Cap IR and Annual IR Index).

Chapter 5 sets out filing requirements for consolidated distribution system plans (DSPs), required by the OEB to assess a distributor's planned expenditures on its distribution system and other infrastructure. The OEB requires every distributor to file a five-year DSP every five years, regardless of the rate-setting option selected or where it is in the cycle of rate-setting.

Completeness and Accuracy of an Application

An application to the OEB must provide sufficient detail to enable the OEB to make a determination as to whether the proposals are reasonable. The onus is on the distributor to substantiate the need for and reasonableness of the costs that are the basis of proposed new rates. A clearly written, accurate and complete yet succinct application that presents information and data consistently across all exhibits, appendices and models and demonstrates the need for the proposed rates, complete with sufficient justification for those rates, is essential for an effective regulatory review and timely decision-making.

These filing requirements provide the minimum information that a distributor must file for a complete application. However, a distributor should provide any additional information that is necessary to justify all of the approvals being sought in the application.

The OEB's examination of an application and its subsequent decision are based on the evidence filed in that case. A complete and accurate evidentiary record is essential. The OEB will consider an application complete only if it meets all of the applicable filing requirements.

Upon the filing of an application OEB will undertake a completeness check of the application to ensure the information presented is consistent with the filing requirements and to the extent possible during the completeness review period, free of errors. If the application is determined to be consistent with the filing requirements, the OEB will issue a letter to the distributor indicating the application is complete and will begin its review of the application. If the application is found to be incomplete, the OEB will issue a letter to the distributor indicating those areas where the application is deficient. In such case, the OEB's review of the application will not commence until the deficiencies enumerated in the OEB's incomplete letter are addressed to the satisfaction of the OEB or satisfactory justification for missing or inconsistent information has been provided. In either case, the OEB will not commence its review of the application until the application is determined to be complete.

Certification of Evidence

An application filed with the OEB must include a certification by a senior officer of the distributor that the evidence filed is accurate, consistent and complete to the best of his or her knowledge.

Updating an Application

When changes or updates to an application or supporting evidence are necessary, distributors must follow the requirements of Rule 11 of the [Rules of Practice and Procedure](#) (the Rules). When these changes or updates are contemplated in later stages of a proceeding, updates should only be made if there is a material change to the evidence. In these circumstances, there may be a need for further process to review the updated information and therefore the OEB's planned decision date may shift to accommodate the added process.

Interrogatories

The OEB advises distributors to consider the clarity, completeness and accuracy of their evidence in order to reduce the need for interrogatories. The purpose of an interrogatory process is to test and/or to further clarify the evidence, not to seek information that should have been provided in the original application. The OEB also advises parties to carefully consider the relevance and materiality of information being sought before requesting it through interrogatories.

Parties must consult Rules 26 and 27 of the OEB's Rules for additional information on the filing of interrogatories and responses.

Materiality

It is the OEB's expectation that parties will not engage in detailed exploration of items that do not appear to be material. For rate applications, parties should be guided by the materiality thresholds documented in Chapters 2 and 3. The OEB will consider at the cost award stage of the process whether or not specific intervenors have engaged in excessively detailed exploration of non-material issues, and may reflect this in its decision on cost awards.

Confidential Information

The OEB relies on full and complete disclosure of all relevant material in order to ensure that its decisions are well-informed. To ensure a transparent and accessible rate review process, distributors should make every effort to file all material publicly and completely. However, the OEB's Rules and the [Practice Direction on Confidential Filings](#) (the Practice Direction) allow distributors and other parties to request that certain evidence be treated as confidential. Where such a request is made participants are expected to review and follow the Practice Direction.

Distributors should be aware that the OEB is required to devote additional resources to the administration, management and adjudication of requests for confidentiality and confidential filings. Distributors must ensure that filings for which they request confidential treatment are both relevant to the proceeding and genuinely in need of confidential treatment. A list of the types of information that the OEB has previously

assessed or maintained as confidential is set out in the Practice Direction. This list is illustrative only, and the OEB will make a determination on the merits of each request for confidentiality. To reduce the administrative issues associated with the management of those filings, the OEB expects that distributors will minimize, to the extent possible, requests for confidential information.

Certification Regarding Personal Information

All parties are reminded of the OEB's rules regarding personal information in any filing they make as part of a proceeding. Parties should consult Rule 9A of the OEB's Rules (and the Practice Direction, as applicable) regarding how to file documents (including interrogatories) that have personal information in them.

Rule 9A of the OEB's Rules states that "any person filing a document that contains personal information, as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*, of another person who is not a party to the proceeding shall file two versions of the document." There must be one version of the document that is a redacted version of the document from which the personal information has been deleted or stricken, and a second version of the document that is un-redacted (i.e., that includes the personal information) and should be marked "Confidential—Personal Information".

The OEB does not expect that personal information would typically need to be filed. However, if the distributor feels that it does need to file personal information as part of its application, the onus is on the distributor to ensure that the application and any evidence filed in support of the application does not include any personal information unless it is filed in accordance with Rule 9A of the OEB's Rules (and the Practice Direction, as applicable).

Accordingly, an application filed with the OEB must include a certification by a senior officer of the distributor stating that the application and any evidence filed in support of the application does not include any personal information unless it is filed in accordance with Rule 9A of the OEB's Rules (and the Practice Direction, as applicable).

A distributor is required to provide a similar certification when filing interrogatory responses or other evidence as part of a proceeding.