



Ontario Energy Board

Filing Requirements For Electricity Distribution Rate Applications - 2022 Edition for 2023 Rate Applications -

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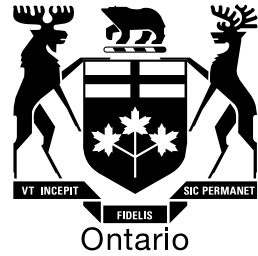
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Ontario Energy Board

Commission de l'énergie de l'Ontario



Ontario Energy Board

Filing Requirements For
Electricity Distribution Rate Applications
- 2022 Edition for 2023 Rate Applications -

Chapter 1

Overview

December 16, 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 and 2A 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 and 5A 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.

Revised filing requirements for Chapters 2 and 5 for small utilities¹ have been introduced for 2023 rates.

Completeness and Accuracy of an Application

The onus is on the distributor to file 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 proposals. The filing of such a comprehensive application is essential for the development of an accurate Notice of Hearing and necessary for the effective review of an application and timely decision-making.

Although the onus is on the distributor to file a comprehensive application, the OEB must conduct a preliminary review of the application to determine if the information provided is sufficient to allow the OEB to prepare an accurate Notice of Hearing, to establish a process for reviewing the application, and to facilitate a timely decision. Therefore, if a distributor is unable to comply with a filing requirement, they must provide reasons.

Distributors are encouraged to engage with OEB staff, and if appropriate other stakeholders, in a pre-filing meeting as outlined in the OEB's [June 24, 2021 letter](#). Distributors who require exemptions from certain filing requirements or have questions as to the applicability of a specific requirement to their case, should raise these issues at the pre-filing meeting or separately with OEB staff in advance of their filing, and ideally while they are in the process of preparing their applications. Distributors are not restricted to the filing requirements and may file any additional information that is relevant to their application.

Upon the filing of an application, OEB staff will undertake a completeness check and advise the Registrar of any missing information, errors or inconsistencies in the application. Per the OEB's performance standards, the OEB has 14 calendar days to complete this review. If OEB staff identify any gaps or errors in the information that has been filed, OEB staff will contact the distributor and provide the distributor with an opportunity to submit the missing information or correct any errors within the 14 day period. If the information cannot be provided within this timeframe, the Registrar will make its determination on whether there is sufficient information to commence the processing of the application. If it is decided that the OEB cannot commence the processing of the application until the missing information is filed, the OEB will issue a letter outlining its concerns with the application and will commence its review after the missing information is filed or the OEB's concerns are addressed. Alternately, if it is decided that the OEB can commence its review of the application, it will issue a letter

¹ Less than 30,000 customers

confirming the same. This letter is referred to as the “completeness letter” and marks the start of the OEB’s review of an application. OEB staff may, if required, follow up with the distributor on any further information that is required to be filed in due course.

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 their 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, 2A 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.