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

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Chapter 1

Overview

April 18, 2022

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 Electricity Transmission Applications](#) 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.

Completeness Review

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. To assist distributors, the OEB has streamlined its filing requirements and offers a pre-application meeting to allow parties to discuss issues that will assist in the preparation of their application.

The filing of a comprehensive application is essential for the development of an accurate Notice of Hearing and for the timely and effective review of an application. Therefore, before the OEB can commence its review, it must conduct a preliminary review of the application to determine if the information provided adheres to the filing requirements and provides sufficient information to prepare an accurate Notice of Hearing. As part of the completeness review process, upon the filing of the application, OEB staff checks the application and advises the Registrar of any missing information, errors or inconsistencies in the application. According to the OEB's Performance Standards, the OEB has 14 calendar days to complete this review.

If the Registrar determines that the application is consistent with the filing requirements, the Registrar will issue a letter notifying the distributor that it has commenced its review of their application. This letter marks the start of the OEB's review of the application.

If there are any information gaps in the application, OEB staff will contact the distributor and provide the distributor with an opportunity to file the missing information. The timing required for filing the missing information is determined by the type of information that is missing.

If the missing information adversely affects the OEB's ability to prepare the Notice of Hearing or materially affects the OEB's ability to assess the application, distributors will

be required to file the missing information within the 14-day completeness review period. If the information cannot be filed within the 14-day review period, the Registrar will issue an “incomplete letter.” This letter will list the information that must be provided before the OEB can commence its review of the application.

If the missing information does not adversely affect the OEB’s ability to prepare the Notice of Hearing or materially affect the OEB’s ability to assess the application, the OEB may commence the proceeding before the missing information is filed. In such applications, the Registrar will issue a letter directing the distributor to generally file the missing information by the date of the OEB’s first procedural order (refer to OEB performance standards for details on the timing of the first procedural order), so that the information is available for the preparation of interrogatories by OEB staff and intervenors. If the information cannot be filed by the noted date and the delay could impact the schedule for the case or the OEB’s ability to continue processing the application, the OEB may stop the proceeding and place the application in abeyance until the missing information is filed.

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 a 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 an excessively detailed exploration of non-material issues, and may reflect this in its decision on cost awards.

Confidential Information

The OEB relies on 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. In the event a party is applying for confidentiality, the Practice Direction sets out the requirements for filing a request for confidentiality. On December 17, 2021, the OEB updated its Practice Direction and the requirements for filing confidentiality requests, which now include the requirement to file a table setting out the details for each piece of information for which confidential treatment is requested. Where such requests are made participants are expected to review and follow the Practice Direction, including the filing requirements in Section 5.1.

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 categories of information that will presumptively be considered confidential is set out in Appendix B of the Practice Direction. 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.

Certifications

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.

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.

Certification of Deferral and Variance Account Balances

An application filed with the OEB must include a certification by the Chief Executive Officer, or Chief Financial Officer, or equivalent, that the distributor has the appropriate processes and internal controls for the preparation, review, verification and oversight of all deferral and variance accounts, regardless of whether the accounts are proposed for disposition.