



**Newmarket-Tay Power Distribution Ltd.**

**Application to dispose of balances in certain  
deferral and variance accounts.**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1**

**March 24, 2023**

The Ontario Energy Board (OEB) is holding a hearing to determine a request by Newmarket-Tay Power Distribution Ltd. (Newmarket-Tay Power) for approval to dispose balances in Account 1588 – RSVA Power and Account 1589 – RSVA Global Adjustment.

The request for disposition of these two accounts was originally made by Newmarket-Tay Power in the context of the utility's 2023 incentive rate-setting mechanism (IRM) proceeding.<sup>1</sup> During the course of that proceeding, Newmarket-Tay Power was advised of the OEB's concerns that the disposition of Accounts 1588 and 1589 could possibly give rise to retroactive rate-making. On March 14, 2023, (Newmarket-Tay Power) filed an updated request with the OEB seeking approval to dispose of the Account 1588 and Account 189 balances effective May 1, 2023.

On March 23, 2023, the OEB issued its Decision and Order in the utility's 2023 IRM proceeding (IRM Decision) by Delegated Authority, without holding a hearing, pursuant to section 6(4) of the *Ontario Energy Board Act, 1998*. Therein, the OEB approved Newmarket-Tay Power's IRM application for electricity distribution rates effective January 1, 2023, except for the aspect of the application that sought approval to dispose balances in Account 1588 and Account 1589. The OEB confirmed that the utility's request for disposition of Account 1588 and Account 1589 balances would need to be heard by the OEB in a separate proceeding, given the possibility that disposition could give rise to retroactive rate-making.

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<sup>1</sup> EB-2022-0050

The OEB will now hold a public hearing to consider Newmarket-Tay Power's request for approval to dispose Account 1588 and Account 1589 balances. The hearing will adopt the record of Newmarket-Tay Power's 2023 IRM proceeding.

During the hearing, we will question Newmarket-Tay Power on its case and consider questions and arguments from intervenors and OEB staff. At the end of the hearing, the OEB will decide whether to approve Newmarket-Tay Power's request.

### **How to See the Application**

To access Newmarket-Tay Power's application and evidence, please enter the file number **EB-2023-0109** on the OEB website: [www.oeb.ca/notice](http://www.oeb.ca/notice). You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

### **How to Participate**

If you wish to participate as an intervenor you should apply for intervenor status by **April 10, 2023** or the hearing will go ahead without you and you will not receive further notice of the proceeding. For information on how to apply for intervenor status, please refer to the OEB's [Rules of Practice and Procedure](#). If you apply to become an intervenor, all information contained in your request will be public.

### **Format of the Hearing**

There are three types of OEB hearings – oral, written and electronic. The OEB intends to proceed by way of a written hearing. If you think that an oral hearing or an electronic hearing is needed, they must write to the OEB to explain why by **April 10, 2023**.

This hearing is being held under section 78 of the *Ontario Energy Board Act, 1998*.

### **Interrogatories and Submissions**

At this time, the OEB is making provisions for written interrogatories and written submissions. Further procedural orders may be issued by the OEB.

### **THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. The record of this proceeding shall adopt the record of Newmarket-Tay Power's 2023 IRM proceeding **EB-2022-0050**.

2. Any person that wishes to participate as an intervenor in this proceeding should apply for intervenor status by **April 10, 2023**.
3. OEB staff and intervenors shall request any relevant information and documentation from Newmarket-Tay Power that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on Newmarket-Tay Power and all other parties by **April 17, 2023**.
4. Newmarket-Tay Power shall file with the OEB complete written responses to all interrogatories and serve them on all other parties by **April 27, 2023**.
5. Any written submissions by OEB staff and intervenors shall be filed with the OEB and served on Newmarket-Tay Power and all other parties by **May 11, 2023**.
6. Any reply submissions by Newmarket-Tay Power, shall and filed with the OEB be served on all other parties by **May 25, 2023**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

Please quote file number, **EB-2023-0109** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 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, Birgit Armstrong at [Birgit.Armstrong@oeb.ca](mailto:Birgit.Armstrong@oeb.ca) and OEB Counsel Richard Lanni at [Richard.Lanni@oeb.ca](mailto:Richard.Lanni@oeb.ca)

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, **March 24, 2023**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar