



EB-2009-0120

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S. O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Yellow
Falls Power Limited Partnership for and Order
granting leave to construct a transmission line
connecting a 16 megawatt waterpower project to
transmission system of Hydro One Networks Inc.

PROCEDURAL ORDER NO. 2

Yellow Falls Power Limited Partnership (the “Applicant” or “YFP”) has filed an application with the Ontario Energy Board (the “Board”) dated April 27, 2009 under section 92 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B. The Applicant has applied for an order of the Board granting leave to construct transmission facilities connecting a 16 megawatt (“MW”) run-of-the river waterpower project located at Yellow Falls to the transmission system owned by Hydro One Networks Inc. (“Hydro One”).

The Application has been assigned Board File No. EB-2009-0120.

The Applicant has released the Final Environmental Assessment Report (the “EA”) for the Project in February, 2009, which is filed in support of this application. The EA has not yet received final approval from the Ministry of the Environment.

The Board issued a Notice of Application and Written Hearing on May 28, 2009. The Applicant has served and published the Notice as directed by the Board.

On July 24, 2009, the Board issued Procedural Order No.1, in which the Board granted the Wabun Tribal Council (“WTC”) intervention status as well as its request for cost

eligibility, subject to various restrictions described in that Order. On August 5, 2009 the Board received a letter from the WTC questioning the limits imposed by the Board on the scope of the proceeding, and asked that the Board reconsider its decision to proceed by way of a written hearing. WTC also indicated that it wishes to present both written and oral evidence in this proceeding.

On August 6, 2009, the Board responded to WTC's letter indicating that it will soon issue a procedural order to set a schedule for WTC to submit written evidence, for interrogatories by other parties, and response by WTC. The Board also informed WTC that it does not intend to alter its decision on either the scope or the form of the proceeding at this time. However, the Board may make provision for an oral hearing after reviewing WTC's written evidence, if it determines that this is warranted.

THE BOARD ORDERS THAT:

1. Wabun Tribal Council shall file with the Board its written evidence in regard to this proceeding and deliver a copy to the Applicant on or before **Friday, August 28 2009**.
2. The Applicant and Board staff who wish information from the Wabun Tribal Council that is in addition to the evidence pre-filed with the Board and that is relevant to the hearing shall request the information by means of written interrogatories filed with the Board and delivered to the Wabun Tribal Council on or before **Friday, September 4, 2009**. All interrogatories and responses must include a reference to the section of the written evidence on which the interrogatory is based.
3. Wabun Tribal Council shall, no later than **Friday, September 11, 2009** file with the Board and deliver to the Applicant, a complete response to each of the interrogatories.
4. All filings to the Board noted in this Procedural Order must be in the form of 2 hard copies and **must be received by the Board by 4:45 p.m. on the stated dates**. An electronic copy of the filing must also be provided. If you already have a user ID, the electronic copy of your filing should be submitted through the Board's web portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on

how to submit and naming conventions, please refer to the RESS Document Guidelines also found on the “e-Filing Services” webpage. If the Board’s web portal is not available, the electronic copy of your filing may be submitted by e-mail at Boardsec@oeb.gov.on.ca . Those who do not have internet access are required to submit the electronic copy of their filing on a CD or diskette in PDF format.

ISSUED at Toronto on August 17, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix 'A'
to
Procedural Order No. 2

Addresses of Applicant and Intervenor
EB-2009-0120

August 17, 2009

Appendix "A"

APPLICANT AND INTERVENOR

Applicant		Rep. and Address for Service
1.	Yellow Falls Power Limited Partnership	<p>Yellow Falls Power Limited Partnership c/o Mr. Scott Hossie, Ontario Manager - Environmental Canadian Hydro Developers, Inc. 34 Harvard Road Guelph ON N1G 4V8</p> <p>Tel: (519) 826-4645 Fax: (519) 826-4745 Email: shossie@canhydro.com</p>
2.	Counsel for the Applicant	<p>Counsel to Yellow Falls Power Limited Partnership Blake, Cassels & Graydon LLP Barristers & Solicitors Box 25, Commerce Court West 199 Bay Street, Suite 2800 Toronto ON M5L 1A9</p> <p>Attn: Sharon Wong Tel: (416) 863-4178 Fax: (416) 863-2653 Email: sw@blakes.com</p>
	Intervenors	Rep. And Address for Service
1.	Wabun Tribal Council (WTC)	<p>Mr. Jason Batise Technical Services Advisor 313 Railway Street Timmins ON P4N 2P4</p> <p>Tel:(705) 268-9066</p>