



EB-2009-0269

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 Newmarket-Tay Power Distribution Ltd. pursuant to section 78 of the *Ontario Energy Act, 1998*, for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2010.

BEFORE: Marika Hare
Presiding Member

Ken Quesnelle
Member

DECISION AND ORDER ON INTERIM RATES

Newmarket-Tay Power Distribution Ltd. (“Newmarket-Tay”) filed a cost of service application with the Ontario Energy Board (the “Board”) on July 22, 2010, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that Newmarket-Tay charges for electricity distribution, to be effective May 1, 2010. The Board assigned the application File No. EB-2009-0269.

In its application, Newmarket-Tay requested that its current distribution rates be declared interim effective May 1, 2010.

The Board notes that Newmarket-Tay’s cost of service application was not filed by the April 30, 2010 deadline, as directed by the Board in its April 20, 2010, letter. The Board also notes that Newmarket-Tay requested in a letter dated April 30, 2010, an extension of its filing date to May 31, 2010. In view of the fact that Newmarket-Tay did not file until July 22, 2010, an issue in this proceeding will be the date upon which the new rates should become effective.

The Board has determined that Newmarket-Tay's current distribution rates shall be declared interim as of August 1, 2010. The Board will render its decision on the effective date of Newmarket-Tay's final rates in its final decision. By making rates interim as of August 1, 2010, the Board has the authority to make the final rates effective as of that date, but is not required to do so. The setting of interim rates should not be seen as predictive in any way of the ultimate implementation date of the final rate order.

THE BOARD ORDERS THAT:

1. Newmarket-Tay's current Tariff of Rates and Charges shall be made interim August 1, 2010.

DATED at Toronto, July 30, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary