



**EB-2010-0142**

**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 Toronto  
Hydro-Electric System Limited for an order approving  
just and reasonable rates and other charges for  
electricity distribution to be effective May 1, 2011.

### **PROCEDURAL ORDER NO. 3**

Toronto Hydro-Electric System Limited ("Toronto Hydro") filed an application, dated August 23, 2010, with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, S.O. 1998, c.15, Schedule B*, seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, to be effective May 1, 2011.

The Board issued a Notice of Application and Hearing dated September 15, 2010.

On October 18, 2010, Procedural Order No.1 was issued establishing, among other items, the dates for which interrogatories were to be filed with the Board and responded to by Toronto Hydro. The Board stated that it would establish subsequent procedural steps upon completion of its review of the responses to the first round of interrogatories, as well as considering the appropriateness of having all identified issues being eligible for settlement.

On November 11, 2010, the Board issued its Issues List Decision and Procedural Order No. 2. In it, the Board approved a Final Issues List and confirmed the schedule for filing interrogatories and responses to interrogatories as set out in Procedural Order No. 1.

On December 1, 2010, Toronto Hydro filed its cost allocation study for suite metering services (“the cost allocation study”) pursuant to the requirements of the Board’s EB-2009-0139 Decision with Reasons.

On December 6, 2010, Toronto Hydro filed its responses to interrogatories from parties.

The Board has reviewed these responses and has determined the next steps in this proceeding. These are outlined below.

In addition the Board considers it appropriate to deem the issues concerning the cost allocation for suite metering to be ineligible for settlement. The Board’s EB-2009-0139 Decision contained the following:

*The Board also believes that the results of a study completed by THESL will be informative to other utilities and to the Board as to how to advance utility rate structures on a province wide scale in response to the introduction of this competitive sub-metering business.*

The Board believes a full hearing of the issues pertaining to this cost allocation subject matter is the best way to facilitate the stated objective of informing others. Therefore the Board has determined that Issues 7.2 and 7.3 related to Toronto Hydro’s suite metering, as contained on the approved Final Issues List of November 11, 2010, are not eligible for settlement. This determination is reflected in the schedule below that facilitates a discovery process for the cost allocation issue as it relates to suite metering that is independent of the other issues in this proceeding.

More generally, the Board notes that the THESL’s application seeks either revenue to cover certain items or seeks Board commentary on proposed spending for certain other items that the Board considers collectively to be emerging technologies. The Board is currently considering whether special treatment should be afforded to these items with regard to any potential settlement process. The Board will issue a letter in early January in this regard so as to provide the parties with appropriate advance notice of the Board’s intent.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT**

1. Board staff and intervenors seeking information and material that is in addition to the cost allocation study, and that is relevant to the hearing, shall request the same by written interrogatories filed with the Board and delivered to the intervenors and the Applicant on or before **Friday December 24, 2010**.
2. Responses by the Applicant to interrogatories shall be filed with the Board and delivered to all parties on or before **Friday January 7, 2011**.
3. Board staff and intervenors who wish to file evidence shall do so, on or before **Friday January 21, 2011**.
4. Parties seeking information and material that is in addition to any intervenor or Board staff evidence, and that is relevant to the hearing, shall request the same by written interrogatories filed with the Board and delivered to parties on or before **Tuesday January 25, 2011**.
5. Responses by parties to interrogatories related to any intervenor or Board staff evidence shall be filed with the Board and delivered to all parties on or before **Friday February 4, 2011**.
6. A transcribed technical conference will be held on **Monday January 24, 2011** in the Board's hearing rooms at 2300 Yonge Street on the 25<sup>th</sup> Floor. Parties should file their questions with the Board and forward them to other parties by **Tuesday January 18, 2011**.
7. A Settlement Conference will be convened on **Tuesday January 25, 2011** starting at 9:30 am and, if needed, may continue until **Friday January 28, 2011**. The Settlement Conference will be held at 2300 Yonge Street in the Board's ADR room on the 25<sup>th</sup> Floor.
8. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board by **Tuesday February 8, 2011**.
9. The oral hearing will commence on **Tuesday February 15, 2011** in the Board's hearing rooms at 2300 Yonge Street, 25<sup>th</sup> Floor, Toronto, commencing at 9:30

am. In the event that a settlement agreement is filed with the Board, the presentation of the agreement will be made at the commencement of the oral hearing on **Tuesday February 15, 2011**.

All filings to the Board must quote file number EB-2010-0142, be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

### **Address**

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**ISSUED** at Toronto, December 13, 2010

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary