



**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.

### **PROCEDURAL ORDER NO. 12**

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 March 25, 2011, a Settlement Agreement was filed with the Board which incorporated settlement of most outstanding issues in this proceeding. On March 29, 2011, the Board announced its acceptance of the Settlement Agreement. Unsettled issues remained in five areas, one of which was the appropriateness of Toronto Hydro's suite metering cost allocation and whether or not Toronto Hydro should establish a separate rate class for multi-unit residential customers that are served directly by Toronto Hydro through its suite metering provision.

On July 7, 2011, the Board issued its Partial Decision and Order (the "Partial Decision") in this proceeding. Among other things, the Partial Decision found that while all findings in the Partial Decision are final and will result in a final rate order for 2011 rates, the

Board would require supplementary evidence to be filed on the suite metering issues as outlined in the Partial Decision (the “supplementary evidence”).

The Partial Decision stated that the Board would issue a procedural order under the current docket number containing filing instructions to Toronto Hydro and outlining subsequent procedural steps to facilitate further discovery and examination.

On July 28, 2011, the Board issued Procedural Order No. 10 which required Toronto Hydro to file the supplementary evidence by August 31, 2011.

On July 29, 2011, Toronto Hydro sent a letter to the Board which noted that it had received Procedural Order No. 10 and while it was prepared to file the required evidence, for the reasons outlined in the letter, it could not do so by the August 31, 2011 date established in Procedural Order No. 10. Toronto Hydro requested that Procedural Order No. 10 be amended to provide for a filing date of October 17, 2011 for the filing of Toronto Hydro’s evidence.

On August 8, 2011, the Board issued Procedural Order No. 11 which granted Toronto Hydro an extension until September 30, 2011 and revised the remaining dates established in Procedural Order No. 10. Toronto Hydro filed the supplementary evidence on September 30, 2011.

On October 7, 2011, the Smart Sub-metering Working Group (“SSMWG”), an intervenor in the proceeding, filed a Notice of Motion (the “Motion”) requesting: (1) a declaration by the Board that the supplementary evidence was inadequate contrary to and/or inconsistent with the Partial Decision and subsequent Procedural Orders for the reasons set out in the Motion and for such further reasons as are given at the hearing of the Motion; (2) a declaration that the rate design of residential rates is not an issue in this proceeding and an Order dismissing Toronto Hydro’s application for approval to change the residential rate design in respect of its suite metered residential customers, including rental buildings and the proposed Meter-Only Rate for converting buildings; (3) an Order requiring Toronto Hydro to comply with the Partial Decision, Procedural Orders No. 10 and 11 and applicable sections of the Filing Requirements for Transmission and Distribution Applications (without limiting the generality thereof) by filing material specified in the Motion and proposing a tariff for the new suite metered customer class as outlined in the Motion, and (4) an Order revising the timetable set out in Procedural Order No. 11 as outlined in the Motion.

The SSMWG requested an oral hearing of the Motion. The SSMWG further requested its costs of the Motion as well as such further and other relief as counsel may advise and the Board deems just.

The Board has determined that it will hear the Motion orally.

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. The oral hearing of the Motion will commence at 9:30 am on **Friday October 14, 2011** in the Board's hearing room at 2300 Yonge Street, Toronto.

All filings to the Board must quote file number EB-2010-0142, be made through the Board's web portal at [www.errr.ontarioenergyboard.ca](http://www.errr.ontarioenergyboard.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. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca). If the web portal is not available parties may email their 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**

**The Ontario Energy Board:**

Post:

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4  
Attention: Board Secretary

Filings: [www.errr.ontarioenergyboard.ca](http://www.errr.ontarioenergyboard.ca)  
E-mail: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

**ISSUED** at Toronto, October 12, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary