



**EB-2008-0221**

**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 Bluewater  
Power Distribution Corporation for an order approving just  
and reasonable rates and other charges for electricity  
distribution to be effective May 1, 2009

### **PROCEDURAL ORDER No. 3**

Bluewater Power Distribution Corporation ("Bluewater" or "the Applicant") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Bluewater charges for electricity distribution, to be effective May 1, 2009. The application was received on September 9, 2008 and the Board has assigned the application File Number EB-2008-0221. The Board issued a Notice of Application and Hearing on September 24, 2008, Procedural Order No. 1 on October 22, 2008, and Procedural Order No. 2 on January 6, 2009.

The Board indicated that at the completion of the first phase of the discovery process, the Board would determine whether further discovery, either in the form of a further technical conference or further interrogatories, would be required and whether to order that a settlement conference be held.

The Board issued Procedural Order No. 2 on January 6, 2009, seeking the views of the Applicant and all parties regarding the need for additional procedural steps in this proceeding. The Board asked that the Applicant, Board staff and all parties file submissions with the Board on the following procedural issues before January 15, 2009:

1. Whether further discovery is required, either in the form of further interrogatories or a technical conference;
2. Whether a settlement conference would be appropriate; and
3. Whether a written or oral hearing is preferred.

The Board reviewed and considered the submissions from parties and Board staff on the next procedural steps. The Board is of the view that a second round of written interrogatories is required to provide an opportunity for all parties to ask clarifying questions, which relate specifically to existing interrogatory responses. The Board has also considered the submissions of all of the parties with respect to whether a settlement conference would be appropriate in this case. In accordance with those submissions, the Board has made provision for a Settlement Conference.

The Board has determined that this case will proceed by way of an oral hearing.

The Board considers it necessary to make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. Intervenors or Board staff who wish to ask clarification questions that relate specifically to the existing interrogatory responses, shall file written interrogatories with the Board and deliver a copy to the Applicant on or before **January 27, 2009**. Where possible, questions should specifically reference both the pre-filed evidence and previous interrogatory responses.
2. The Applicant shall file with the Board complete responses to the interrogatories as well as a summary of any revisions that the Applicant proposes to make to the application and the resulting impact of these revisions on the revenue requirement, if any, and deliver the responses and the summary to all parties on or before **February 2, 2009**.
3. A Settlement Conference will be convened on **Tuesday, February 10, 2009**, starting at 9:30 a.m. The Settlement Conference will be held at 2300 Yonge Street, Toronto in the Board's ADR room on the 25th Floor.

4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board on **Friday, February 13, 2009**. In addition to outlining the terms of any settlements, the Settlement Proposal should contain a list of any unsettled issues that the parties believe must be dealt with by way of oral hearing.
5. If the parties reach settlement on some or all of the issues in this matter, the Settlement Proposal will be reviewed by the Board on **Thursday, February 19, 2009 at 1:30 p.m.** at 2300 Yonge Street, Toronto in the Board's West hearing room on the 25th Floor.
6. An oral hearing of this matter will begin on **Monday, March 9, 2009 at 9:30 a.m.** at 2300 Yonge Street, Toronto in the Board's West hearing room on the 25th Floor. The oral hearing will resume on Tuesday, March 10, 2009 in the event more time is required for the hearing.

All filings to the Board must quote file number EB-2008-0221, 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 or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

**DATED** at Toronto, January 21, 2009

**ONTARIO ENERGY BOARD**

*Original signed by*

Kristen Walli  
Board Secretary