



EB-2008-0248

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 **West Coast Huron Energy Inc.** for an order approving just and reasonable rates and other charges for electricity distribution to be effective **May 1, 2009**.

PROCEDURAL ORDER NO. 3

West Coast Huron Energy Inc. ("West Coast Huron" or the "Applicant") filed an application with the Ontario Energy Board, received on September 11, 2008 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that West Coast Huron charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0248. The Board issued a Notice of Application and Hearing dated September 26, 2008.

The Board received a request for late intervenor status and cost eligibility from the School Energy Coalition ("SEC") on November 24, 2008. No objections were received from the Applicant. The Board hereby approves the intervention and cost eligibility status for SEC in this proceeding. An updated list of intervenors is attached as Appendix A to this order.

In Procedural Order No. 1, issued on October 31, 2008, the Board made provision for a phased approach to the discovery process, with the first phase consisting of written interrogatories and the possibility of a technical conference at the option of the Applicant. The Applicant chose not to have a technical conference.

On December 19, 2008, the Applicant filed responses to the interrogatories from parties.

The Board indicated that at the completion of this 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 5, 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 9, 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 received submissions from the Vulnerable Energy Consumers Coalition (VECC) and Board staff.

VECC submitted that provision for a second round of interrogatories is warranted due to the fact that in some cases there was a lack of a complete response and in other cases the response gave rise to other issues and required follow-up. VECC provided examples of certain interrogatory responses that were not answered fully or required follow-up.

Board staff also called for an additional round of interrogatories and cited a number of areas where additional questions were required, with a focus on the stated intent of the applicant to update its load forecast on January 16, 2009.

With regard to further hearing steps, VECC submitted that until further discovery is completed, it could not comment on the issue of a settlement conference or a preference for a written or oral hearing. Board staff did not make submissions on further hearing steps.

The Board reviewed and considered the submissions from the parties. 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, and/or new questions that relate only to the updated information to be filed by West Coast Huron on January 16, 2009.

The Board will determine further procedural steps when the second interrogatory round is completed.

Please be aware that this Procedural Order may be amended, and 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, which relate specifically to existing interrogatory responses and/or new questions that relate only to the information filed by West Coast Huron on January 16, 2009, shall file written interrogatories with the Board and deliver a copy to the Applicant on or before **January 26, 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 and deliver them to the intervenors no later than **February 2, 2009**.

All filings to the Board must quote file number EB-2008-0248, be made through the Board's web portal at 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. 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.

Address

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

Attention: Board Secretary
E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, January 21, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

**APPENDIX A
TO PROCEDURAL ORDER NO. 1**

**WEST COAST HURON ENERGY INC.
2009 COST OF SERVICE RATE APPLICATION
EB-2008-0248
APPLICANT AND LIST AND INTERVENORS**

DATED: January 21, 2009

Applicants

Rep. And Address for Service

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AND

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Intervenors

Rep. And Address for Service

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Consumers in Ontario**

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**2. Vulnerable Energy
Consumers Coalition**

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3. School Energy Coalition

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