



**EB-2008-0234**

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

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

**Lakeland Power Distribution Ltd.** ("Lakeland" or the "Applicant") filed an application with the Ontario Energy Board, received on September 15, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that Lakeland charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0234. The Board issued a Notice of Application and Hearing dated September 26, 2008.

In Procedural Order No. 1, issued on November 5, 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), Energy Probe, the School Energy Coalition (SEC), Board staff and the Applicant.

Both VECC and Energy Probe 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. The two intervenors provided examples of certain interrogatory responses that were not answered fully or required follow-up.

SEC indicated that it was largely satisfied with the answers it has received but does have one or two clarifying questions of the applicant. Board staff also cited a few areas where additional questions were required but submitted that informal discussion with the applicant and other intervenors would likely address these issues and some updated filings could be submitted.

Lakeland indicated that it believed that it had filed the necessary information and that additional discovery was not required.

With regard to further hearing steps, all parties (with the exception of Board staff) indicated that a settlement conference was not required and that a written hearing process was sufficient to address the application. Board staff did not make submissions on further hearing steps.

The Board reviewed and considered the submissions from all 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.

The Board has also determined that no settlement conference is required and that this application can be decided by way of a written hearing process.

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, 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-2008-0234, 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.

**Address**

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

Attention: Board Secretary  
E-mail: [Boardsec@oeb.gov.on.ca](mailto: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