



EB-2008-0235

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 London Hydro Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2009.

PROCEDURAL ORDER No. 1

London Hydro Inc. ("London Hydro") filed an application with the Ontario Energy Board (the "Board"), received on December 8, 2008, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that London Hydro charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the File Number EB-2008-0235 to this application.

The Board issued a Notice of Application and Hearing on December 24, 2008. The Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), London Property Management Association ("LPMA"), the School Energy Coalition ("SEC"), and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objections were received.

The Board has determined that CCC, Energy Probe, LPMA, SEC and VECC are granted intervenor status. A list of intervenors in this proceeding is attached as Appendix A to this order. The Board has also determined that the intervenors are each eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board recognizes that the costs of an intervention can be relatively significant. While the Board encourages active participation in the review of an application, intervenors should be mindful of the potential impact of these costs upon ratepayers, which the Board will take into consideration when it determines its cost awards. The Board will also take into account the quality and relevance of the intervention. In addition, the Board will consider any duplication of effort by intervenors in this

proceeding. As a guide, the Board has attached a table that summarizes the approved cost awards for certain distributors that made cost of service applications for their 2008 rates. This table is attached as Appendix B to this order.

As identified in the Notice of Application, the Board intends to proceed with its review of this application by including an oral component. The Notice indicated that the oral component may be in the form of a technical conference or an oral hearing.

The Board has decided to make provision at this time for written interrogatories and a transcribed technical conference. The purpose of the technical conference will be to allow parties to ask supplemental questions to better understand London Hydro's interrogatory responses and to provide parties the opportunity to scope issues for a potential settlement conference.

After the technical conference has taken place, the Board will determine whether provision should be made for additional interrogatories, an additional technical conference, or a settlement conference, after which the Board will determine whether to conduct an oral hearing.

This Procedural Order addresses the interrogatory and first technical conference processes. Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff shall request information and material from London Hydro Inc. that is in addition to London Hydro Inc.'s pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to London Hydro Inc. on or before **February 13, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
2. Intervenors who wish information and material from London Hydro Inc. that is in addition to London Hydro Inc.'s pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to London Hydro Inc. on or before **February 20, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.

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3. London Hydro Inc. shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **March 6, 2009**.
4. A transcribed technical conference will be held at 2300 Yonge Street, 25th floor, Toronto, Ontario in the Board's West Hearing Room. The technical conference will be held on **March 26, 2009** commencing at 9:30 a.m. and be expected to conclude by 5:00 p.m.
5. Parties shall confirm their attendance at the technical conference by writing to the Board Secretary by **March 20, 2009**.

All filings to the Board must quote the file number, EB-2008-0235, 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 26, 2009
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix "A"
To The Procedural Order No. 1
EB-2008-0235
London Hydro Inc.
January 26, 2009

**LONDON HYDRO INC.
2009 DISTRIBUTION RATE APPLICATION
EB-2008-0235
LIST OF APPLICANT AND INTERVENORS**

January 26, 2009

Applicant	Rep. and Address for Service
London Hydro Inc.	David B. Williamson V.P. of Finance, CFO & Secretary London Hydro Inc. 111 Horton Street P.O. Box 2700 London ON N6A 4H6 Tel: 519-661-5800 ext. 5745 Fax: 519-661-2596 Email: williamd@londonhydro.com
Applicants Counsel	James C. Sidlofsky Borden Ladner Gervais LLP 40 King Street West Suite 4100 Toronto ON M5H 3Y4 Tel: 416-367-6277 Fax: 416-361-2751 Email: jsidlofsky@blgcanada.com
INTERVENORS	Rep. and Address for Service
Consumers Council of Canada	Julie Girvan Consumers Council of Canada 2 Penrose Road Toronto ON M4S 1P1 Tel: 416-322-7936 Fax: 416-322-9703 Email: jgirvan@ca.inter.net
Energy Probe	David S. MacIntosh Energy Probe 225 Brunswick Ave. Toronto ON M5S 2M6 Tel: 416-964-9223 ext. 235

Fax: 416-964-8239
Email: DavidMacIntosh@nextcity.com

AND

Peter T. Faye
Barrister and Solicitor
42 Eastwood Crescent
Markham ON L3P 5Z7

Tel: 905-294-2013
Email: pfaye@rogers.com

**London Property
Management Association**

Randy Aiken
Aiken & Associates
578 McNaughton Ave. West
Chatham ON N7L 4J6

Tel: 519-351-8624
Fax: 519-351-4331
Email: raiken@xcelco.on.ca

School Energy Coalition

Bob Williams
Co-ordinator
Ontario Public School Boards Association
439 University Avenue, 18th Floor
Toronto ON M6G 1Y8

Tel: 416-340-2540
Fax: 416-340-7571
Email: bwilliams@opsba.org

AND

John De Vellis
Shibley Righton LLP
Barristers and Solicitors
250 University Avenue, Suite 700
Toronto ON M5H 3E5

Tel: 416-214-5232
Fax: 416-214-5432
Email: john.devellis@shibleyrighton.com

**Vulnerable Energy
Consumers Coalition**

Michael Buonaguro
Counsel
Public Interest Advocacy Centre
34 King Street East, Suite 1102
Toronto ON M5C 2X8

Tel: 416-767-1666
Fax: 416-348-0641
Email: mbuonaguro@piac.ca

AND

Bill Harper
Econalysis Consulting Services
34 King Street East, Suite 1102
Toronto ON M5C 2X8

Tel: 416-348-0193
Fax: 416-348-0641
Email: bharper@econalysis.ca

Appendix "B"
To The Procedural Order No. 1
EB-2008-0235
London Hydro Inc.
January 26, 2009

**2008 COS EDR COMPARISON OF COST AWARDS TO REVENUE REQUIREMENT by LDC
and INTERVENOR COST PER CUSTOMER**

DECISION & ORDER ON COST ISSUED

<u>Distributor</u>	<u>Number of Intervenors</u>	<u>EB Number</u>	<u>Proposed Revenue Requirement</u>	<u>Approved Cost Award</u>	<u>% Revenue</u>	<u>Number of Customers</u>	<u>Cost per Customer</u>
Hydro 2000 Inc.	1	EB-2007-0704	\$333,872	\$5,196.75	1.56%	1,159	\$4.48
Chapleau Public Utilities Corporation	1	EB-2007-0755	\$736,568	\$6,756.25	0.92%	1,338	\$5.05
Espanola Regional Hydro Distribution Corporation	2	EB-2007-0901	\$1,304,404	\$9,735.32	0.75%	3,316	\$2.94
Rideau St. Lawrence Distribution Inc.	2	EB-2007-0762	\$2,267,241	\$12,388.05	0.55%	5,864	\$2.11
Lakefront Utilities Inc.	2	EB-2007-0761	\$5,077,851	\$17,257.19	0.34%	9,057	\$1.91
Halton Hills Hydro Inc.	2	EB-2007-0696	\$10,446,283	\$21,206.04	0.20%	20,214	\$1.05
Norfolk Power Distribution Inc.	2	EB-2007-0753	\$12,800,352	\$12,699.65	0.10%	18,641	\$0.68
PUC Distribution Inc.	1	EB-2007-0931	\$17,191,211	\$5,338.36	0.03%	32,512	\$0.16
Oshawa PUC Networks Inc.	3	EB-2007-0710	\$20,440,000	\$22,204.50	0.11%	50,978	\$0.44
AMPCO Motion	4	EB-2008-0099	\$20,440,000	\$45,032.40	0.22%	50,979	\$0.88
Barrie Hydro Distribution Inc.	2	EB-2007-0746	\$35,008,572	\$11,968.00	0.03%	68,535	\$0.17
Enersource Hydro Mississauga Inc.	5	EB-2007-0706	\$124,300,000	\$111,258.31	0.09%	183,706	\$0.61
Hydro Ottawa Ltd.	4	EB-2007-0713	\$147,951,054	\$81,425.95	0.06%	286,995	\$0.28
Toronto Hydro-Electric System	5	EB-2007-0680	\$498,400,000	\$250,344.26	0.05%	679,864	\$0.37
					0.36%	average	\$1.51