



EB-2008-0222
EB-2008-0223
EB-2008-0224

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF applications by Canadian
Niagara Power Inc. – Eastern Ontario Power, Canadian
Niagara Power Inc. – Fort Erie and Canadian Niagara
Power Inc. – Port Colborne for an order approving just and
reasonable rates and other charges for electricity
distribution to be effective May 1, 2009.

PROCEDURAL ORDER NO. 4

Canadian Niagara Power Inc. – Eastern Ontario Power (CNPI – EOP), Canadian
Niagara Power Inc. – Fort Erie (CNPI – FE) and Canadian Niagara Power Inc. – Port
Colborne (CNPI – PC) (collectively CNPI or the Applicant) filed applications with the
Ontario Energy Board, received on August 18, 2008, under section 78 of the *Ontario
Energy Board Act, 1998*, (the Act), seeking approval for changes to the rates that CNPI
– EOP, CNPI – FE and CNPI – PC charges for electricity distribution, to be effective
May 1, 2009. The Board has assigned the CNPI – EOP application File Number EB-
2008-0222, the CNPI – FE application File Number EB-2008-0223 and the CNPI – PC
application File Number EB-2008-0224. The Board issued Notices of Application and
Hearing for each of the applications, Procedural Order No. 1 on October 1, 2008,
Procedural Order No. 2 on October 21, 2008 and Procedural Order No. 3 on December
19, 2008.

In Procedural Order No. 3, the Board sought the views of the Applicant and all parties
regarding the need for additional procedural steps in this proceeding following the
receipt of the responses to the interrogatories. The Board asked for submissions on the
following procedural issues:

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- (a) whether further discovery is required, either in the form of further interrogatories or a technical conference;
- (b) whether a settlement conference would be appropriate; and
- (c) whether a written or oral hearing is preferred.

The Board has reviewed and considered the submissions from the Applicant, Energy Probe Research Foundation, the School Energy Coalition and the Vulnerable Energy Consumers Coalition. In addition, on January 16, 2009, the Applicant provided additional evidentiary material in response to the submissions of parties.

The Board is of the view that further discovery is required and has determined that it will be received by means of a modified Technical Conference process. Prior to the actual Technical Conference, parties will provide the Applicant with clarification questions that relate specifically to the existing interrogatory responses, including the material provided by CNPI on January 16, 2009. In order to make the process more efficient, the Board would encourage the Applicant to provide written responses prior to the Technical Conference so that the Technical Conference would be more focused.

The Board has also determined that a Settlement Conference should be held immediately following or the day following the Technical Conference and has made provision for that to happen.

Pending the results of the Settlement Conference, the Board will determine whether the review will then proceed by means of a written or an oral hearing.

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. A Technical Conference will be convened on Wednesday **February 18, 2009**, at the Board's offices at 2300 Yonge Street in the North Hearing Room on the 25th floor starting at 9:30 a.m.
2. Prior to the Technical Conference, intervenors or Board staff who wish to ask clarification questions that relate specifically to the existing interrogatory

responses, including the material provided by CNPI on January 16, 2009, shall file them with the Board and deliver a copy to the Applicant on or before Monday **February 2, 2009**. These matters will form the basis for the Technical Conference. In order to ensure an efficient Technical Conference, the Board hopes that CNPI would be able to provide written responses by Friday **February 13, 2009**.

3. Immediately following the Technical Conference or alternatively on **February 19, 2009** a Settlement Conference will be convened for the Applicant and intervenors. The Settlement Conference will be held at the Board's offices.
4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board within three working days of the completion of the Settlement Conference, but no later than Friday **February 27, 2009**. In addition to outlining the terms of any settlements, the Settlement Proposal should contain a list and scoping of any unsettled issues that the parties believe require adjudication and suggestions for each issue whether adjudication can proceed by way of written submissions or oral hearing.

All filings to the Board must quote file numbers EB-2008-0222, EB-2008-0223 and EB-2008-0224, 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 Board through BoardSec@oeb.gov.on.ca. 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 and be received no later than 4:45 p.m. on the required date.

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DATED at Toronto, January 26, 2009
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary