



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. 4

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, Procedural Order No. 2 on January 6, 2009, and Procedural Order No. 3 on January 21, 2009.

On January 23, 2009, Bluewater filed a letter with the Board and advised that on January 12, 2009 UBE Automotive North America ("UBE") announced that it will be closing its wheel-manufacturing plant in Sarnia. Bluewater indicated that the UBE closure will result in a deficiency of approximately \$400,000 per year based on the rates proposed in Bluewater's current rate application. Bluewater also stated that it will update its evidence prior to February 2, 2009 and propose a methodology to mitigate this revenue deficiency. As a result of this change, Bluewater requested that the first day of the settlement conference that is currently scheduled on February 10, 2009 be used for a transcribed technical conference to allow parties to ask questions regarding the impacts and the proposed methodology. The Board has determined that it will grant Bluewater's request and order that a transcribed technical conference be held at the Board on February 10, 2009.

Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Parties and Board staff who wish to ask questions related to the Applicant's proposal regarding the UBE closure shall file written interrogatories with the Board and copy all parties on or before **Thursday February 5, 2009**.
2. A transcribed technical conference will be held on **Tuesday, February 10, 2009**, commencing at 9:30 a.m. at 2300 Yonge Street, 25th floor, Toronto, Ontario in the Board's North Hearing Room. The purpose of the technical conference is for the Applicant to respond to written interrogatories filed by parties and Board staff and to address any follow-up questions related to the UBE closure.
3. A Settlement Conference will be convened on **Wednesday, February 11, 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 settlement, 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, 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.

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

Attention: Board Secretary

Email: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, January 27, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary