



EB-2007-0776

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 Newmarket-Tay Power Distribution Ltd. for an Order or Orders approving just and reasonable rates and other service charges for the distribution of electricity within its Newmarket Service Area, as of the date of the Ontario Energy Board's Rate Order.

PROCEDURAL ORDER NO. 2

Newmarket-Tay Power Distribution Ltd. ("Newmarket-Tay" or "Applicant") has filed an application with the Ontario Energy Board ("Board"), received on July 4, 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 Newmarket-Tay charges for electricity distribution within its Newmarket Service Area, to be made effective on the date of the Board's decision on the application. The Board has assigned the application file number EB-2007-0776. The Board issued a Notice of Application and Hearing and a Decision and Procedural Order No. 1 was issued on August 19, 2008.

As part of the Decision and Procedural Order No. 1, the Board ordered that interrogatories from parties and Board staff were to be filed by Friday September 12, 2008. Responses from the Applicant were due no later than Friday October 3, 2008. On December 23, 2008 the Board received the interrogatory responses from Newmarket-Tay.

The Board has to address the following matters:

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 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. 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 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 Tuesday March 17, 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 shall file them with the Board and deliver a copy to the Applicant on or before Wednesday February 25, 2009. These matters will form the basis for the Technical Conference. In order to ensure an efficient Technical Conference, Newmarket – Tay should provide written responses by Thursday March 12, 2009.
3. Immediately following the Technical Conference or alternatively on March 18, 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 Wednesday March 25, 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 further adjudication can proceed by way of written submissions or oral hearing.

All filings to the Board must quote the file number EB-2007-0776, 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.

DATED at Toronto, January 30, 2009
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary