



EB-2008-0244

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
PowerStream 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

PowerStream Inc. ("PowerStream" or the "Applicant") filed an application with the Ontario Energy Board (the "Board"), on October 10, 2008 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that PowerStream charges for electricity distribution, to be effective May 1, 2009. The Board assigned File Number EB-2008-0244 to the application. The Board issued a Notice of Application and Hearing dated October 24, 2008.

The Board received requests for intervenor status and cost eligibility in this proceeding from four parties: the Vulnerable Energy Consumers Coalition ("VECC"), the Association of Major Power Consumers in Ontario ("AMPCO"), Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe") and the School Energy Coalition ("SEC"). The Board also received an intervention request from Hydro One Networks Inc ("HONI"). A late intervention and cost eligibility request was received from the Smart Sub-Metering Working Group ("SSMWG").

While PowerStream did not object to the five earlier intervention requests, it did submit a letter on February 23, 2009 objecting to the intervention and cost eligibility request of SSMWG. On March 1, 2009, SSMWG submitted a response to the PowerStream letter.

The Board has determined that it will grant intervention status to SSMWG. However, the Board finds that SSMWG is not eligible for costs awards as it does not meet the eligibility criteria set out in section 3.03 of the Practice Direction on Cost Awards.

In addition, the Board hereby approves the intervention and cost eligibility status for VECC, AMPCO, CCC, Energy Probe and SEC. The Board also approves the HONI intervention.

A list of intervenors is attached as Appendix B to this order.

On December 18, 2009 PowerStream requested that the Board delay the EB-2008-0244 proceeding so that it could consider the implications of the Board's EB-2008-0335 decision granting leave to PowerStream and Barrie Hydro Inc. to amalgamate. On February 3, 2009, PowerStream filed an updated application. The updates consisted of a revised load forecast, an update to cost of power calculations and information on the merger between PowerStream and Barrie Hydro Inc. As there were only minor changes to the application and customer bill impacts, the Board determined that a new notice is not required.

The Board recognizes that the costs of an intervention can be relatively significant for any distributor. 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 (Appendix A) that summarizes the approved cost awards for those distributors that made cost of service applications for their 2008 rates.

The Board will be closely monitoring the participation of all intervenors in this proceeding, and in particular, the raising of issues that are either not relevant or that overlap with issues raised by Board staff or by intervenors that primarily represent the direct interests of consumers in PowerStream's distribution service territory. The Board will take into consideration the quality and relevance of the intervention as well as any duplication of effort by intervenors in making any cost awards at the conclusion of this proceeding.

The Board has decided to proceed by way of an oral hearing. Therefore, the Board considers it necessary to make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. An Issues Conference, involving Board staff, Intervenors and the Applicant, will be convened to review the draft Issues List with the objective of developing a proposed Issues List for presentation to the Board. A draft Issues List will be distributed by Board staff to all intervenors no later than Tuesday, March 3, 2009. At the conclusion of the Issues Conference, a proposed Issues List will be formulated and presented to the Board at Issues Day. The Issues Conference will be held in the Board's ADR room at 2300 Yonge Street, 25th Floor, Toronto, on Monday, March 9, 2009 at 1:30 p.m.
2. An Issues Day proceeding will take place on Thursday, March 12, 2008 at 9:00 a.m. in the Board's North hearing room at 2300 Yonge Street, 25th Floor, Toronto, at which time the Board will hear submissions with respect to any contested issues.

All filings to the Board must quote file number EB-2008-0244, 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.

DATED at Toronto, March 3, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Address

Ontario Energy Board
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APPENDIX A
To
PROCEDURAL ORDER NUMBER 1
POWERSTREAM INC.
EB-2008-0244

2008 COS EDR COMPARISON OF COST AWARDS TO REVENUE REQUIREMENT by LDC and INTERVENOR COST PER CUSTOMER							
Distributor	Number of Intervenors	File Number	Proposed Revenue Requirement	Cost Award	% of Revenue	Number of Customers	Cost per Customer
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

**APPENDIX B
To
PROCEDURAL ORDER NUMBER 1
POWERSTREAM INC.
EB-2008-0244**

Intervention List

PowerStream Inc.

EB-2008-0244

APPLICANT & LIST OF INTERVENORS

March 3, 2009

APPLICANT

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INTERVENORS

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