



**EB-2009-0063**

**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 Brantford Power Inc. to the Ontario Energy Board for an Order or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity as of May 1, 2008 (EB-2007-0698);

**AND IN THE MATTER OF** a Motion by Brant County Power Inc. to review and vary the implementation of the Board's Interim Order dated April 21, 2008 in the rates proceeding;

**AND IN THE MATTER OF** a Motion by Brant County Power Inc. to review and vary the implementation of the Board's Decision dated July 18, 2008 the Board's Order dated August 29, 2008 in the rates proceeding

## **NOTICE OF MOTION TO VARY AND PROCEDURAL ORDER NO. 1**

Brant County Power Inc. ("Brant County") filed a Notice of Motion with the Ontario Energy Board on February 25, 2009 for an order or orders varying the Interim Order of the Board dated April 21, 2008, the Decision of the Board dated July 18, 2008 and the Order of the Board dated August 29, 2008 in the Brantford Power Inc. ("Brantford Power") EB-2007-0698 rates proceeding. The Board has assigned the Notice of Motion file number EB-2009-0063.

The Motion seeks relief from the impact on Brant County of the rates resulting from the Board's Decision and Orders approving Brantford Power's 2008 rates.

The Board has reviewed the Motion Record, and grants leave to Brant County, pursuant to Rule 42.02 of the Board's *Rules of Practice and Procedure*, to bring the motion. The Board has also considered the submissions by the parties on the hearing date. The Board has decided to hear the Motion by way of an oral hearing commencing on Tuesday April 28, 2009.

The Board will adopt the intervenors accepted by the Board in the EB-2007-0698 rates proceeding as parties to this Motion.

The Board invites Brantford Power to respond to the Motion and requires Brant County to serve notice of this motion on Brantford Power.

The Board will now 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. If not already done so, the Applicant shall serve a copy of this Notice of Motion and Procedural Order, along with a copy of its Notice of Motion and accompanying material on the intervenor(s) identified in Appendix A and on Brantford Power by Monday 6 April 1, 2009.
2. Parties responding are to file a factum in response to the Motion by Wednesday, April 15, 2009 with a copy to all parties.
3. An oral hearing will be convened on Tuesday April 28, 2009 at the Board's offices at 2300 Yonge Street on the 25<sup>th</sup> floor starting at 9:30 a.m. to hear evidence and cross-examine the Applicant's witnesses. Brant County shall produce a witness, or witnesses to address the details of the Motion at the oral hearing.

All filings to the Board must quote the file number EB-2009-0063, be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://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](http://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](mailto: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, April 1, 2009.

**ONTARIO ENERGY BOARD**

*Original Signed By*

John Pickernell  
Assistant Board Secretary

**Appendix “A”**

**Notice of Motion to Vary and  
Procedural Order No. 1  
On Brant County Power Inc.’s  
Notice of Motion**

**EB-2009-0063**

**April 1, 2009**

# **Brant County Power Inc.**

**EB-2009-0063**

## **List of Intervenorors**

### **School Energy Coalition**

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