



EB-2008-0230

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 **Greater Sudbury Hydro Inc.** for an order approving just and reasonable rates and other charges for electricity distribution to be effective **May 1, 2009.**

PROCEDURAL ORDER No. 3

Greater Sudbury Hydro Inc. ("Greater Sudbury" or the "Applicant") filed an application with the Ontario Energy Board, received on December 22, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that Greater Sudbury charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0230. The Board issued a Notice of Application and Hearing dated January 13, 2009.

In Procedural Order No. 1, issued on February 18, 2009, the Board made provision for a phased approach to the discovery process, with the first phase consisting of written interrogatories and the possibility of a technical conference at the option of the Applicant. The Applicant chose not to have a technical conference.

On March 19, 2009, the Applicant filed responses to the interrogatories from parties.

The Board issued Procedural Order No. 2 on March 31, 2009, seeking the views of the Applicant and all parties regarding the need for additional procedural steps in this proceeding. The Board asked that the Applicant, Board staff and all parties file submissions with the Board on the following procedural issues:

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 received submissions from the Vulnerable Energy Consumers Coalition (VECC), Consumers Council of Canada (CCC), Board staff and the Applicant.

Both VECC and CCC submitted that some interrogatory responses required clarification or more information. Board staff submitted that there were also some responses that required more information from the Applicant. Both VECC and Board staff provided specific examples of interrogatories that were not answered fully or required follow-up.

VECC and CCC indicated that further discovery was required and that a technical conference, with written questions provided in advance, would address this need. Both intervenors also suggested a settlement conference was appropriate after the completion of the technical conference. Board staff submitted that further discussions in the form of a technical conference could result in a limited number of clarification filings to address the outstanding issues and provide a basis for settlement discussions.

Greater Sudbury indicated that it believed that it had filed the necessary information and that if any outstanding issues remained, they could be addressed through a structured teleconference. Greater Sudbury also suggested a written hearing without a settlement conference.

The Board reviewed and considered the submissions from all 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. 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 will be more focused.

The Board has also determined that a Settlement Conference should be held immediately following or the day following the Technical Conference.

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 Monday, May 11, 2009, at the Board's offices at 2300 Yonge Street in the ADR 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 to the existing interrogatory responses, shall file them with the Board and deliver a copy to the Applicant on or before Friday, April 24, 2009. These responses will form the basis for the Technical Conference. In order to ensure an efficient Technical Conference, the Board encourages Greater Sudbury to provide written responses to the additional interrogatories by Friday, May 8, 2009.
3. Immediately following the Technical Conference or alternatively on Tuesday May 12, 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, May 22, 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 require adjudication and suggestions as to whether adjudication can proceed by way of written submissions or oral hearing.
5. Any Settlement Proposal will be reviewed by the Board on Friday, May 29, 2009 at 9:30 a.m. in the Board's West hearing room on the 25th Floor at 2300 Yonge Street, Toronto.

All filings to the Board must quote file number EB-2008-0230, 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, April 17, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary