



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 and the Board's Order dated August 29, 2008 in the rates proceeding

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Paul Vlahos
Member

Ken Quesnelle
Member

PROCEDURAL ORDER NO. 3

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 is to seek relief from the impact on Brant County of the rates resulting from the Board's Decision and Orders approving Brantford Power's 2008 rates.

On April 1, 2009, the Board issued its Notice of Motion to Vary and Procedural Order No. 1 in which it stated that it had reviewed the Motion Record, and had decided to grant leave to Brant County, pursuant to Rule 42.02 of the Board's *Rules of Practice and Procedure*, to bring the motion. The Board also noted that it had decided to hear the Motion by way of an oral hearing.

On April 9, 2009 the Board issued Procedural Order #2 which altered the dates set in Procedural Order #1 to allow Brantford Power time to file evidence in response to Brant County's motion.

By way of a letter dated April 21, 2009, Brant County advised that it had discovered an issue with respect to certain Retail Transmission Rates that is relevant to its motion and requested an adjournment of the Proceeding to allow it time to gather additional information from the Independent Electricity System Operator ("IESO").

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. The oral hearing scheduled for Tuesday April 28, 2009 is adjourned until further notice from the Board.
2. The responding motion record and affidavit evidence in chief from Brantford Power and factums of all parties are adjourned until further notice from the Board.
3. Brant County will inform the Board of its progress in gathering the necessary information from the IESO by Friday May 15, 2009.

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, 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, April 22, 2009.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix “A”

**To Decision and Order
On Brant County Power Inc.’s
Notice of Motion**

EB-2009-0063

April 22, 2009

EB-2009-0063

List of Intervenor

School Energy Coalition

Mr. Bob Williams,
18th Floor
439 University Avenue,
Toronto, ON M5G 1Y8
Tel: 416 340-2540
Fax: 416 340-7571
Email: bwilliams@opsba.org

Mr. John De Vellis
SHIBLEY RIGHTON LLP
Barristers and Solicitors
Suite 700
250 University Avenue,
Toronto, Ontario, M5H 3E5
Tel: 416 214-5232
Fax: 416 214-5432
Email:
john.devellis@shibleyrighton.com

Ms. Rachel Chen,
Institutional Energy Analysis, Inc.
Suite 700
250 University Avenue,
Toronto, Ontario, M5H 3E5
Tel: 416 214-5218
Fax: 416 214-5418
Email: rachel.chen@ieai.ca