



EB-2008-0235

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 London 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. 2

London Hydro Inc. ("London Hydro") filed an application with the Ontario Energy Board (the "Board"), received on December 8, 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 London Hydro charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the File Number EB-2008-0235 to this application.

The Board issued a Notice of Application and Hearing on December 24, 2008. The Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), London Property Management Association ("LPMA"), the School Energy Coalition ("SEC"), and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objections were received and the Board allowed all interventions.

The Board issued Procedural Order No. 1 on January 26, 2009 to allow for discovery. In accordance with Procedural Order No. 1, Board staff issued interrogatories to London Hydro on February 13, 2009, and intervenors issued interrogatories to London Hydro on February 20, 2009.

On March 4, 2009, counsel for London Hydro sent a letter to the Board requesting an extension to reply to interrogatories until March 20, 2009. In a letter issued on March 6, 2009, the Board granted the extension. London Hydro filed its interrogatory responses on March 20, 2009.

Supplemental Interrogatories

The Board has decided to make provision at this time to allow for further steps in this proceeding. The Board has determined that a technical conference is not required at this time. Instead, the Board has determined that intervenors and Board staff may submit supplemental interrogatories. These supplemental interrogatories should arise out of responses provided to the first set of interrogatories or new information filed by London Hydro since it filed its original application. It is the Board's expectation that parties will use the supplemental interrogatories to ensure both clarity of the record and that any new information is filed and tested in advance of final arguments.

Submissions on the Need for an Oral Hearing

The Board has not made a final determination on whether an oral proceeding is required. The Board expects that the supplemental interrogatories may provide sufficient additional evidence for the intervenors to make their final submissions. The Board has therefore set out below the dates for the filing of submissions. However, parties are invited to make submissions, subsequent to the receipt of responses to supplemental interrogatories, and prior to the date for filing submissions, on:

- 1) the need for an oral hearing; and
- 2) if so, which issues would be the subject of the oral hearing.

Interim Rates

In its Application, London Hydro made three requests:

- The Board make its Rate Order effective May 1, 2009.
- If the Board is unable to provide a Decision and Order for implementation as of May 1, 2009, the Board declare its current rates interim, effective May 1, 2009.
- If the Board is unable to provide a Decision and Order for implementation as of September 1, 2009, the Board issue a further interim Order approving the proposed distribution rates and other charges effective September 1, 2009, which may be subject to adjustment based on its final Decision and Order.

As the Application is currently before it, the Board is prepared to make London Hydro's current approved rates interim pending the Board's decision. This determination is made without prejudice to the Board's decision on London Hydro's Application, and should not be construed as predictive, in any way whatsoever, of the Board's final determination with regards to the effective date for London Hydro's rates arising from this application.

Please note that this Procedural Order may be amended and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. The Board determines that London Hydro Inc.'s current approved Tariff of Rates and Charges is made interim effective May 1, 2009.
2. If Board staff and intervenors wish information and material that is supplemental to London Hydro Inc.'s pre-filed evidence and responses to interrogatories, Board staff and intervenors shall request it by written supplemental interrogatories, filed with the Board and delivered to London Hydro Inc. on or before **May 8, 2009**. Where possible, the interrogatories should specifically reference the pre-filed evidence or interrogatory responses.
3. London Hydro Inc. shall file with the Board complete responses to the supplemental interrogatories and deliver them to the intervenors no later than **May 26, 2009**.
4. Parties who wish to make a submission on the need for an oral hearing shall file the submission with the Board and deliver it to London Hydro Inc. and all intervenors by **June 2, 2009**. Each party filing a submission should provide adequate support and reasons for the need for an oral hearing, and should also provide sufficient detail on the issues that it proposes to be the subject of such an oral hearing. London Hydro may file a response to these submissions with the Board by **June 5, 2009** and deliver it to all intervenors.
5. Board staff shall file a written submission, if any, with the Board, and deliver it to London Hydro Inc. and other intervenors by **June 16, 2009**.

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6. Intervenors who wish to make a written submission on the application must file that submission with the Board, and deliver it to London Hydro Inc. and other intervenors by **June 19, 2009**.
7. If London Hydro Inc. wishes to respond to a submission, the response must be filed with the Board and delivered to intervenors by **July 6, 2009**.

All filings to the Board must quote the file number, EB-2008-0235, 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.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, April 23, 2009
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary