



**EB-2008-0381**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c. 15, (Schedule B);

**AND IN THE MATTER OF** a proceeding commenced by the  
Ontario Energy Board on its own motion to determine the  
accuracy of the final account balances with respect to  
account 1562 Deferred PILs (for the period October 1, 2001  
to April 30, 2006) for certain 2008 and 2009 distribution rate  
applications before the Board.

### **PROCEDURAL ORDER No. 5**

On November 28, 2008, pursuant to sections 78, 19 (4) and 21 (5) of the *Ontario Energy Board Act, 1998*, the Ontario Energy Board commenced a proceeding on its own motion to determine the accuracy of the final account balances with respect to account 1562 Deferred PILs (for the period October 1, 2001 to April 30, 2006) for certain applicants that filed 2008 and 2009 distribution rate applications before the Board. The Board announced its intention to hold such a proceeding in a letter to all distributors issued on March 3, 2008 and assigned this proceeding file number EB-2007-0820, now updated to EB-2008-0381.

Board staff issued a discussion paper summarizing the principles established by the Board to date with respect to the determination of the account 1562 balances on August 20, 2008. The staff discussion paper also identified matters that Board staff believes are outstanding and may require clarification.

Procedural Order No. 1 was also issued on November 28, 2008, setting out the initial steps in the proceeding and Procedural Order No. 2 was issued on December 16, 2008 approving new interventions. A technical conference was held on January 20, 2009. Procedural Order No. 3 was issued on February 3, 2009, making provision for interrogatories and ordering submissions from the three applicants, ENWIN Utilities

Ltd., Halton Hills Hydro Inc., and Barrie Hydro Distribution Inc. on a reasonable date for the filing of the interrogatory responses.

Procedural Order No. 4 was issued on March 6, 2009 and set the dates for submission of interrogatory responses by the Applicants. Dates were also set for submissions by all parties on further procedural steps.

On April 7, 2009, Halton Hills Hydro Inc. requested an extension to the deadline for submission of interrogatory responses.

The Board considers it necessary to make provision for the following procedural matters. 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. The submission date for the three applicants: ENWIN Utilities Ltd., Halton Hills Hydro Inc., and Barrie Hydro Distribution Inc. to file their responses to the interrogatories has been extended to May 29, 2009.
2. The date for all parties to file with the Board and deliver to all other parties, any submissions on further procedural steps, is extended to June 10, 2009. These next steps could include further discovery through another round of interrogatories, a second technical conference or whether final submissions are now appropriate. Parties should provide specific reasons if a second round of interrogatories, a technical conference, or final submissions are suggested.

DATED at Toronto, April 27, 2009

**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary