



EB-2009-0130

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

AND IN THE MATTER OF a motion by VECC requesting the Board to review and vary certain aspects of Decision and Order EB-2008-0233 dated April 6, 2009 and Decision and Order EB-2008-0226 dated April 17, 2009.

AND IN THE MATTER OF Rules 42, 44.01 and 45.01 of the Board's *Rules of Practice and Procedure*.

**NOTICE OF HEARING AND PROCEDURAL
ORDER NO. 1**

Innisfil Hydro Distribution Systems Limited ("Innisfil Hydro") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B as amended, for an order approving or fixing just and reasonable rates for the distribution of electricity, to be effective as of May 1, 2009. The Board assigned file number EB-2008-0233 to the application. The Board issued its Decision and Order related to this application on April 6, 2009.

On April 24, 2009, VECC filed a Notice of Motion to Review and Vary this Decision and Order (the "Innisfil Motion").

COLLUS Power Corporation ("COLLUS") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B as amended, for an order approving or fixing just and reasonable rates for the distribution of electricity, to be effective as of May 1, 2009. The Board assigned file number EB-2008-0226 to the application. The Board issued its Decision and Order related to this application on April 17, 2009.

On April 28, 2009, VECC filed a Notice of Motion to Review and Vary this Decision and Order (the "COLLUS Motion").

VECC requested that the two motions be heard together due to the similarity of the issues raised by these two appeals. Both relate to the Board's use of its deemed long term debt rate of 7.62% as the rate for forecast third party debt to be issued in 2009, as opposed to the 5.08% rate contained in these applications.

In the Innisfil Motion, VECC requested that the Board either make provision for a stay of the Innisfil Decision or for deferral account treatment of the revenue requirement impact of the requested changes in the debt rate.

On April 27, 2009, Counsel for Innisfil filed a letter with the Board opposing both motions as well as VECC's proposal for a stay of both decisions., On the same date, COLLUS filed a letter of support for the position taken by Innisfil's Counsel.

In the COLLUS Motion, VECC noted the comments of Innisfil's Counsel and stated that it was content that a deferral account be established in both cases.

On May 21, 2009, the Board issued an acknowledgement letter stating that it would hold an oral hearing to consider the threshold question as to whether each of these matters should be reviewed and that a Notice and Procedural Order would be issued in due course. The Board further stated that it would not make provision for a stay of either of these decisions, but granted VECC's request that the revenue requirement impact of the two motions be tracked through a variance account to be established by each of Innisfil and COLLUS.

On June 2, 2009 COLLUS submitted a further correspondence requesting guidance as to how to calculate the revenue requirement impact to be tracked in the variance account and for the Board to reconsider its findings in COLLUS' April 17, 2009 cost of service decision with regard to the reduction in COLLUS' estimated regulatory costs.

The Board has determined that it will proceed under Rule 45.01 of the Board's *Rules of Practice and Procedure* to hear, in a joint proceeding for both Notices of Motion, the threshold question of whether each of these matters should be reviewed. Should the Board determine that the threshold has been met, the

Board will also consider the merits of each of the Innisfil and COLLUS Motions and the requests submitted by COLLUS in its June 2, 2009 correspondence.

The Board will adopt as intervenors in this proceeding the intervenors and any other parties of record from both the EB-2008-0226 and EB-2008-0233 proceedings.

THE BOARD THEREFORE ORDERS THAT:

1. The oral hearing of the motions will commence at 9:30 am on June 26, 2009 in the Board's West hearing room at 2300 Yonge Street, Toronto.
2. Any filings to the Board must quote file number EB-2009-0130, 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.
3. 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.

ISSUED at Toronto, June 03, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary