



**EB-2009-0149**

**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 Niagara-on-  
the-Lake Hydro Inc. for an order approving just and  
reasonable rates to be effective October 1, 2009

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

Niagara-on-the-Lake Hydro Inc. ("NOTL Hydro") filed an application with the Ontario Energy Board on May 13, 2009, for an order approving certain revisions to its Retail Transmission Service (RTS) rates. The Board assigned file number EB-2009-0149 to the application.

NOTL Hydro proposed, 1) reduced RTS connection rates based on the termination of a load assignment, 2) a fair settlement payment to Hydro One and removal of the current accrued connection liability, and 3) one-year RTS rate riders to repay customers for excess RTS connection billed amounts up to the effective date of the reduced rates.

The Board will adopt as intervenors in this proceeding the intervenors and any other parties of record from the EB-2008-0237 proceeding as well as Hydro One Networks Inc.

You may participate in this proceeding in one of three ways:

#### **1. Send a Letter with your Comments to the Board**

Your letter with comments will be provided to the Board members deciding the application, and will be part of the public record for the application. Your letter must be received by the Board no later than **30 days** from the publication or service date of this notice. The Board accepts letters of comment by either post or e-mail at the addresses below.

## 2. Become an Observer

Observers do not actively participate in the proceeding but monitor the progress of the proceeding by receiving documents issued by the Board. You may request observer status in order to receive documents issued by the Board in this proceeding. If you become an observer, you need to contact the applicant and others in order to receive documents that they file in this proceeding and they may charge you for this. Most documents filed in this application will also be available on the Board's website. Your request for observer status must be made in writing and be received by the Board no later than **10 days** from the publication or service date of this notice. The Board accepts observer request letters by either post or e-mail at the addresses below; however two paper copies are also required. You must also provide a copy of your letter to the applicant.

## 3. Become an Intervenor

You may ask to become an intervenor if you wish to actively participate in the proceeding. Intervenors are eligible to receive evidence and other material submitted by participants in the hearing. Likewise, intervenors will be expected to send copies of any material they file to all parties to the hearing.

Your request for intervenor status must be made by letter of intervention and be received by the Board no later than **10 days** from the publication or service date of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the outcome of this proceeding; and if you represent a group, a description of the group and its membership. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from the applicant and the grounds for your eligibility for costs. You must provide a copy of your letter of intervention to the applicant.

If you already have a user ID, please submit your intervention request through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required. Those who do not have internet access are required to

submit their intervention request on a CD or diskette in PDF format, along with two paper copies.

The Board has determined that it is necessary to make the following provisions related to this proceeding. Please be aware that further procedural orders may be issued from time to time.

**THE BOARD THEREFORE ORDERS THAT:**

1. An Issues Day proceeding will be held in the Board's North hearing room. The Issues Day will commence on July 7, 2009 at 9:30a.m. and is expected to conclude no later than 1:00p.m. Parties shall confirm their attendance by writing to the Board Secretary at the address below or by sending an email to [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca) by June 30, 2009. On Issues Day, the Board will hear submissions with respect to the draft Issues List attached as Appendix A. Parties will also have an opportunity to make submissions on how each of the issues should be heard (i.e. orally or in writing).
2. 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.

**ADDRESSES**

**The Board:**

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

Attention: Board Secretary

Filings: [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca)  
E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)

Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**The Applicant:**

Niagara-on-the-Lake Hydro Inc.  
#8 Henegan Road,  
P.O. Box 460  
Virgil ON L0S 1T0

Attention: Jim Huntingdon  
President

E-mail: [jhuntingdon@notlhydro.com](mailto:jhuntingdon@notlhydro.com)

Tel: 905-468-4235  
Fax: 905-468-3861

**ISSUED** at Toronto, June 9, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kristen Walli  
Board Secretary

**APPENDIX A**

**EB-2009-0149**

**Niagara-on-the-Lake Hydro Inc.  
RTS – Connection Rate Reduction and Rate Rider Application**

**June 9, 2009**

**Niagara-on-the-Lake Hydro Inc.**

**RTS – Connection Rate Reduction and Rate Rider Application**  
**Proceeding EB-2009-0149**

**Draft Issues List: June 9, 2009**

1. Are the levels proposed for the Retail Transmission Service (RTS) Rate – Connection appropriate?
2. Is the proposed settlement payment to Hydro One appropriate?
3. Are the amounts proposed for repayment of excess RTS revenue to customers appropriate?