



EB-2008-0222
EB-2008-0223
EB-2008-0224

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

AND IN THE MATTER OF applications by Canadian
Niagara Power Inc. – Eastern Ontario Power, Canadian
Niagara Power Inc. – Fort Erie and Canadian Niagara Power
Inc. – Port Colborne for an order approving just and
reasonable rates and other charges for electricity distribution
to be effective May 1, 2009.

PROCEDURAL ORDER NO. 8

Canadian Niagara Power Inc. – Eastern Ontario Power (CNPI – EOP), Canadian
Niagara Power Inc. – Fort Erie (CNPI – FE) and Canadian Niagara Power Inc. – Port
Colborne (CNPI – PC) (collectively CNPI or the Applicant) filed applications with the
Ontario Energy Board, received on August 18, 2008, under section 78 of the *Ontario
Energy Board Act, 1998*, (the Act), seeking approval for changes to the rates that CNPI
– EOP, CNPI – FE and CNPI – PC charges for electricity distribution, to be effective
May 1, 2009. The Board has assigned the CNPI – EOP application File Number EB-
2008-0222, the CNPI – FE application File Number EB-2008-0223 and the CNPI – PC
application File Number EB-2008-0224.

The Board issued Notices of Application and Hearing for each of the applications,
Procedural Order No. 1 on October 1, 2008, Procedural Order No. 2 on October 21,
2008, Procedural Order No. 3 on December 19, 2008, Procedural Order No. 4 on
January 26, 2009, Decision and Procedural Order No. 5 on March 4, 2009, Procedural
Order No. 6 on March 20, 2009 and Procedural Order No. 7 on April 27, 2009.

In its Procedural Order No. 6, the Board ordered that the three applications would be
examined at the same time by means of an oral hearing, beginning on Monday April 20,
2009, continuing on Tuesday April 21 and Thursday April 23, 2009.

A motion was brought by an intervenor, School Energy Coalition (SEC), requesting that the Applicant be required to answer certain interrogatories on certain matters including the lease arrangements between CNPI and Port Colborne Hydro. The Board dismissed the motion. SEC brought a further motion to review certain findings of the Board's Motion Decision relating to the lease arrangements. The Notice of Motion to Review was assigned Board file number EB-2009-0107 and was heard orally on April 17, 2009. As a result of that hearing, the Board's Decision on the motion relating to the lease arrangements was varied and the Applicant and SEC agreed to a list of interrogatories to be responded to.

The initial phase of the oral hearing concluded on Thursday April 23, 2009 with the completion of the evidentiary portion for the Fort Erie and Eastern Ontario Power applications. The Panel directed that arguments and submissions dealing with the Fort Erie and Eastern Ontario Power applications would proceed and the process for the Port Colborne application would await the completion of the evidentiary record concerning the lease.

During the hearing, the Applicant advised that the material requested with respect to the Port Colborne lease will take three or four weeks to be prepared and filed. The required material was received by the Board on June 11, 2009.

This Procedural Order establishes the schedule for the completion of the evidentiary record, argument and submissions relating to the CNPI – Port Colborne application.

The Board considers it necessary to 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 regarding the examination of those aspects of the CNPI – Port Colborne application not dealt with on April 20, April 21 and April 23 will re-convene on Thursday July 16, 2009 at the Board's offices at 2300 Yonge Street on the 25th Floor starting at 9:30 a.m. If the hearing is not completed on that day, it will continue on Friday July 17, 2009.
2. The Applicant's Argument-in-Chief regarding its Port Colborne application shall be filed with the Board and all parties on or before Thursday, July 30, 2009.

3. Submissions from Intervenor and Board staff shall be filed with the Board and other parties on or before Thursday, August 13, 2009.
4. The Applicant's Reply Argument shall be filed with the Board and other parties on or before Thursday August 27, 2009.

All filings to the Board must quote file number EB-2008-0224, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and also 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 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, June 25, 2009

ONTARIO ENERGY BOARD

Original signed by

John Pickernell
Assistant Board Secretary