



EB-2009-0243

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 Toronto Hydro-
Electric System Limited for an order or orders approving just
and reasonable rates and other charges for electricity
distribution to be effective May 1, 2010.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 2

Toronto Hydro-Electric System Limited ("Toronto Hydro") has filed an application with the Ontario Energy Board (the "Board"), received on June 30, 2009, 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 Toronto Hydro charges for electricity distribution, to be effective May 1, 2010. The Board has assigned the application File No. EB-2009-0243.

The application requests the Board's approval of rate riders to recover costs incurred by Toronto Hydro for the emergency remediation of contact voltage conditions on its system, mainly incurred from February through March of 2009.

The Board issued a Notice of Application and Hearing dated July 17, 2009.

The Board issued Procedural Order No. 1 on August 19, 2009, which set dates for the filing of interrogatories by intervenors and Board staff and responses by Toronto Hydro. The Board stated that it intended to proceed by way of written hearing in this matter, but might include an oral component if in the Board's view it was warranted, with this determination to be made at a later stage.

The Board has now reviewed the responses to the interrogatories provided by Toronto Hydro. Based on this review, the Board has determined that it will proceed by way of an

oral hearing to allow for further clarification of the responses by Toronto Hydro to the interrogatories.

While it is not the intent of the Board to limit the scope of the matters raised during this hearing, the Board will be focusing on three evidentiary areas of direct relevance to the proposed cost recovery. These are: (i) the characterization of the proposed costs as warranting a “Z-factor” recovery, (ii) the incrementality of the costs relative to those which would otherwise have been incurred in the absence of the Level III emergency, and (iii) the proposed allocation of the relief being sought to the various customer classes.

THE BOARD THEREFORE ORDERS THAT:

1. The oral hearing will commence in the Board’s hearing room on **Thursday, October 8, 2009** at 2300 Yonge Street, 25th Floor, Toronto, at 9:30am.
2. If Board staff and intervenors wish to make written submissions on the application, they must file those submissions with the Board and deliver them to Toronto Hydro and other intervenors by **October 22, 2009**.
3. If Toronto Hydro wishes to respond to a submission, the response must be filed with the Board and delivered to intervenors by **November 5, 2009**.
4. Any filings to the Board must quote file number EB-2009-0243, 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.

5. 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, September 28, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary