



EB-2009-0283

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
Canadian Niagara Power Inc., for an order or orders
granting Leave to construct transmission facilities in
the Niagara Falls / Fort Erie Area.

PROCEDURAL ORDER NO. 1

Canadian Niagara Power Inc. (the "Applicant" or "CNP") has filed an application with the Ontario Energy Board, (the "Board") dated July 16, 2009 under section 92 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, Schedule B. CNP is a licensed Ontario transmitter which operates a transmission system in the Niagara Falls / Fort Erie area including an international interconnection to US National Grid's transmission system in Buffalo, New York, under a National Energy Board permit. CNP has applied for an order of the Board granting leave to construct transmission facilities in the Niagara Falls / Fort Erie area to reinforce its existing 115 kilovolt transmission system, as outlined in the Notice of Application.

The Board has assigned File No. EB-2009-0283 to this application.

The Board issued a Notice of Application and Hearing on August 5, 2009. The Notice was published and served by the Applicant as directed by the Board. An intervenor list is attached as Appendix "A" to this procedural order.

In the Notice of Application and Written Hearing, the Board indicated that it will not hold a written hearing if a party satisfies the Board that there is good reason for holding an oral hearing. None of the intervenors expressed a preference with respect to whether the Board should deal with this matter by way of a written or oral hearing. The Board intends to proceed by way of written hearing. However,

the Board may include an oral component if in the Board's view it is warranted. This determination will be made at a later stage.

If this proceeding follows the usual sequence for a written hearing, it is expected that a decision would be rendered on or about December 14, 2009.

The Board considers it necessary to make provision for a number of procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Intervenor or Board staff who wish information and material from the Applicant that is in addition to the Applicant's pre-filed evidence and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant on or before **Friday October 16, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
2. The Applicant shall file with the Board complete responses to the interrogatories on or before **Monday, October 26, 2009**.
3. The Applicant shall file any submission it wishes to, on or before **Thursday, November 5, 2009**.
4. Intervenor and Board Staff who wish to file submissions shall do so, with copies to the Applicant and remaining intervenors, on or before **Monday, November 16, 2009**.
5. The Applicant shall file any reply submission it wishes to, on or before **Thursday, November 26, 2009**.
6. All filings to the Board must quote file number EB-2009-0283. You must file two paper copies and an electronic copy through the OEB Web Portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. Alternately, the electronic copy of your intervention request may be submitted by e-mail to the Board Secretary at

BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit the electronic copy on a CD or diskette. All electronic filings are to be in searchable/unprotected PDF format.

Parties must also include the Case Manager, Robert Caputo at robert.caputo@oeb.gov.on.ca and Board Counsel, Michael Millar at michael.millar@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto, October 1, 2009
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX "A"

TO PROCEDURAL ORDER NO. 1

BOARD FILE NO. EB-2009-0283

DATED: October 1, 2009

INTERVENTION LIST

Canadian Niagara Power Inc.

EB-2009-0283

APPLICANT & LIST OF INTERVENORS

September 29, 2009

APPLICANT

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September 29, 2009

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INTERVENORS

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Canadian Niagara Power Inc.

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September 29, 2009

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