



EB-2009-0332

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 Horizon
Utilities Corporation for an order approving the recovery of
certain amounts related to an unforeseen loss of revenue
to be effective January 1, 2010.

PROCEDURAL ORDER No. 1

Horizon Utilities Corporation ("Horizon") filed an application with the Ontario Energy Board (the "Board") on September 3, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for the recovery of certain amounts related to an unforeseen loss of revenue, to be effective January 1, 2010. The Board has assigned File Number EB-2009-0332 to this application.

The Board issued a Notice of Application and Hearing on September 29, 2009. The Consumer Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), School Energy Coalition ("SEC"), U.S. Steel Canada, Inc. ("U.S. Steel") and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objections were received.

The Board has determined that CCC, Energy Probe, SEC, U.S. Steel and VECC will be granted intervenor status. A list of intervenors in this proceeding is attached as Appendix A to this Order. The Board has also determined that the intervenors are each eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board expects to proceed by way of written hearing in this matter. The Board has made provision at this time for written interrogatories. After its review of the responses, the Board may include an oral component if in the Board's view it is warranted.

This Procedural Order addresses the first round of interrogatories process. Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff shall request information and material from Horizon that is in addition to Horizon's pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Horizon and all intervenors on or before **November 5, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
2. Intervenors who wish information and material from Horizon that is in addition to Horizon's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Horizon on or before **November 9, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
3. Horizon shall file with the Board complete responses to all interrogatories and deliver them to the intervenors no later than **November 26, 2009**.

All filings to the Board must quote the three file number, EB-2009-0332, 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.

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.

ADDRESS

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

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, October 23, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A
Intervention List
Horizon Utilities Corporation
EB-2009-0332

**Horizon Utilities Corporation
EB-2009-0332**

APPLICANT & LIST OF INTERVENORS

October 23, 2009

APPLICANT

Rep. and Address for Service

Horizon Utilities Corporation

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Vice President
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APPLICANT COUNSEL

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INTERVENORS

Rep. and Address for Service

Consumers Council of Canada

Julie Girvan

Consultant
Consumers Council of Canada
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Fax: 416-322-9703
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**Horizon Utilities Corporation
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Energy Probe

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School Energy Coalition

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Horizon Utilities Corporation

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U.S. Steel Canada Inc.

Andy Mahut

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**Vulnerable Energy Consumers
Coalition (VECC)**

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