



EB-2008-0381

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

AND IN THE MATTER OF a proceeding commenced by the
Ontario Energy Board on its own motion to determine the
accuracy of the final account balances with respect to
account 1562 Deferred PILs (for the period October 1, 2001
to April 30, 2006) for certain 2008 and 2009 distribution rate
applications before the Board.

BEFORE: Ken Quesnelle
Presiding Member

Cynthia Chaplin
Member

PROCEDURAL ORDER No. 6

On November 28, 2008, pursuant to sections 78, 19 (4) and 21 (5) of the *Ontario Energy Board Act, 1998*, the Ontario Energy Board commenced a proceeding on its own motion to determine the accuracy of the final account balances with respect to account 1562 Deferred PILs (for the period October 1, 2001 to April 30, 2006) for certain applicants that filed 2008 and 2009 distribution rate applications before the Board. The Board announced its intention to hold such a proceeding in a letter to all distributors issued on March 3, 2008 and assigned this proceeding file number EB-2007-0820, now updated to EB-2008-0381.

Board staff issued a discussion paper on August 20, 2008 summarizing the principles established by the Board to date with respect to the determination of the account 1562 balances. The staff discussion paper also identified matters that Board staff believes are outstanding and may require clarification.

Procedural Order No. 1 was issued on November 28, 2008, setting out the initial steps in the proceeding and Procedural Order No. 2 was issued on December 16, 2008 approving new interventions. A technical conference was held on January 20, 2009. Procedural Order No. 3 was issued on February 3, 2009, making provision for interrogatories and ordering submissions from the three applicants, ENWIN Utilities Ltd., Halton Hills Hydro Inc., and Barrie Hydro Distribution Inc. on a reasonable date for the filing of the interrogatory responses.

Procedural Order No. 4 was issued on March 6, 2009 and set the dates for submission of interrogatory responses by the Applicants. Dates were also set for submissions by all parties on further procedural steps.

On April 7, 2009, Halton Hills Hydro Inc. requested an extension to the deadline for submission of interrogatory responses. On April 27, 2009, the Board issued Procedural Order No. 5 that extended the due date for interrogatory responses from April 30th to May 29, 2009 and allowed for submissions on further procedural steps to be made by June 10, 2009.

A non-transcribed meeting of the applicants, intervenors and Board staff was held on August 17 and 18, 2009. Opinions differed on the regulatory purpose of the 1562 deferral account and on the method to calculate the balances to be recovered from or paid to ratepayers.

On October 7, 2009, Board staff issued a letter which requested comments on a proposed procedural step whereby the Board would invite written submissions on a threshold question. The question as it appeared in the letter has been repeated below.

The Board's authority to adjust electricity rates was limited by Bill 210 from November 11, 2002 until January 1, 2005. Does the Bill 210 limitation on the Board's rate setting authority in the rate-freeze period in effect to December 31, 2004, impose any restrictions on the Board's ability to make adjustments to the account 1562 balances as they existed, and were audited, as of December 31, 2004?

The Board finds it necessary to address the threshold issue before continuing with this proceeding and therefore invites written submissions from all parties with respect to the threshold question and subsequent procedural steps.

The Board may consider oral argument on the threshold question after the written submissions have been received.

Generic issues that affect distributors other than the three named applicants will be addressed in a separate proceeding for which separate notice will be issued in due course.

The Board considers it necessary to make provision for the following procedural matters. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. The three applicants that submitted evidence, namely, ENWIN Utilities Ltd., Halton Hills Hydro Inc., and Barrie Hydro Distribution Inc. are the only applicants for this phase of the proceeding.
2. The following distributors that were named as applicants in the Notice and Procedural Order No. 1, but were not required to submit evidence, will become intervenors in this proceeding: Hydro Ottawa Limited, Sioux Lookout Hydro Inc., Oshawa PUC Networks Inc., Wellington North Power Inc., Rideau St. Lawrence Distribution Inc., Newmarket-Tay Power Distribution Ltd. The applicants and intervenors in this proceeding, EB-2008-0381, are shown in the lists attached as Appendix A and Appendix B.
3. Board staff shall file its submissions on the threshold question and on subsequent procedural steps by November 13, 2009 and provide a copy to all applicants and intervenors. Any other parties that wish to make submissions on this matter shall file their submissions with the Board by November 20, 2009 and serve a copy on all other parties.

DATED at Toronto, October 26, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX “A”
To Procedural Order Number 6
EB-2008-0381
PILs Combined Proceeding
LIST OF APPLICANTS

Last Update: October 26, 2009

Applicants	Rep. And Address for Service
1. <u>Halton Hills Hydro Inc. – EB-2207-0696</u>	Ms. Tracy Rawlingson Halton Hills Hydro Inc. 43 Alice Street Acton ON L7J 2A9 Tel: 519 853-3700 Fax: Not Provided Email: tracyr@haltonhillshydro.com
2. <u>Barrie Hydro Distribution Inc. – EB-2007-0746</u>	Mr. Tom Barrett Manager Rate Applications PowerStream Inc. 161 Cityview Boulevard Vaughan, ON L4H 0A9 905-532-4640 tom.barrett@powerstream.ca
AND	Carolyn Young Director Enterprise Risk & Internal Audit PowerStream Inc. 161 Cityview Boulevard Vaughan, ON L4H 0A9 905-532-1038 carolyn.young@powerstream.ca
3. <u>ENWIN Utilities Ltd.- EB-2008-0227</u>	Mr. Andrew J. Sasso, B.Comm, LL.B. Director, Regulatory Affairs ENWIN Utilities Ltd. 787 Ouellette Ave. Windsor ON N9A 5T7 Tel: 519 255-2735 Fax: 519 973-7812 Email: regulatory@enwin.com

**APPENDIX “B”
To Procedural Order No. 6
EB-2008-0381
PILs Combined Proceeding
LIST OF INTERVENORS**

Last Update: October 26, 2009

Intervenors	Rep. And Address for Service
1. School Energy Coalition (Schools)	Mr. Bob Williams Schools Co-ordinator Ontario Education Services Corporation c/o Ontario Public School Boards' Association 439 University Avenue, 18th Floor Toronto ON M5G 1Y8 Tel: 416 340-2540 Fax: 416 340-7571 Email: bwilliams@opsba.org
AND	Mr. Jay Shepherd Counsel for Schools Shibley Righton LLP Barristers and Solicitors 700 - 250 University Avenue Toronto ON M5H 3E5 Tel: 416 214-5224 Fax: 416 214-5424 Email: jay.shepherd@shibleyrighton.com
2. Vulnerable Energy Consumers Coalition (VECC)	Mr. Michael Buonaguro Counsel for VECC c/o Public Interest Advocacy Centre 34 King Street East, Suite 1102 Toronto ON M5C 2X8 Tel: 416 767-1666 Fax: 416 348-0641 Email: mbuonaguro@piac.ca
AND	Mr. Bill Harper Econoalysis Consulting Services 34 King Street East, Suite 1102 Toronto ON M5C 2X8 Tel: 416 348-0193 Fax: 416 348-0641

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3. Consumers Council of Canada

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16. Hydro One Brampton Networks

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EB-2007-0713

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18. Sioux Lookout Hydro Inc. –
EB-2007-0785

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EB-2007-0710

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EB-2007-0693

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22. Newmarket-Tay Power
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EB-2007-0776

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