



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. 2

Horizon Utilities Corporation 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 issued a Notice of Application and Hearing on September 29, 2009. On October 9, 2009, U.S. Steel Canada Inc. ("U.S. Steel") submitted a letter requesting intervenor status in the above referenced application. No objections were received.

On October 23, 2009, the Board issued Procedural Order No. 1 and granted Consumers Council of Canada, Energy Probe, Schools Energy Coalition, Vulnerable Energy Consumers Coalition, and U.S. Steel intervenor status, as requested by each party. The Board also determined that each intervenor was eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*. The inclusion of U.S. Steel in the group of intervenors granted cost eligibility was inadvertent and unintended. The Board notes that U.S. Steel did not request cost eligibility status.

The Board wishes to clarify that although U.S. Steel has been granted intervenor status, it has not been granted eligibility for cost awards.

THE BOARD ORDERS THAT:

1. The intervenors who are eligible for an award of costs in this proceeding are Consumers Council of Canada, Energy Probe, Schools Energy Coalition, and Vulnerable Energy Consumers Coalition.
2. In all other respects, Procedural Order No.1 is confirmed.

DATED at Toronto, November 5, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary