



**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. 2**

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.

The Board’s Procedural Order No. 1 issued on October 1, 2009, established a timetable for a number of steps involving interrogatories and submissions. Hydro One Networks Inc., Ontario Power Generation and Board staff submitted interrogatories and CNP has filed responses to the interrogatories. CNP also filed a submission on November 6, 2009.

In a letter filed on November 13, 2009, Board staff proposed additional discovery steps to complete the evidentiary record for this case. CNP provided comments on Board staff's proposal in a letter filed on November 17, 2009.

The Board has decided to allow for a round of supplementary interrogatories. The purpose is to ensure the appropriate information is on the record without requiring an oral hearing.

Supplementary interrogatories will be permitted for the areas identified by Board staff in the November 13 letter, and may be directed to CNP, Hydro One or the IESO.

The Board intends to continue by way of written hearing. However, depending on the information filed through the supplementary interrogatory process, 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 the Board decides to include an oral component, the deadlines for submissions as presented below will be modified.

The Board considers it necessary to make provision for a number of procedural matters and to modify the deadlines contained in prior procedural orders. Please be aware that further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. Intervenors or Board staff who wish clarification of CNP's responses to the initial interrogatories or require additional related information shall request it by written supplemental interrogatories filed with the Board and delivered to the Applicant and all other parties to this proceeding on or before **Wednesday, November 25, 2009**. The Supplemental interrogatories may be directed to the Applicant, the IESO or Hydro One.
2. The Applicant and other parties shall file with the Board, and deliver to the other parties, complete responses to the supplemental interrogatories on or before **Friday, December 4, 2009**.
3. The Applicant shall file any closing submission with the Board, and deliver to the other parties, on or before **Friday, December 4, 2009**.

4. Intervenors and Board Staff who wish to file submissions shall do so, with copies to the Applicant and other parties, on or before **Friday, December 11, 2009**.
5. The Applicant shall file any reply submission with the Board, and deliver it to the other parties, on or before **Friday, December 18, 2009**.
6. Steps 4. and 5. of Procedural Order No. 1 are superseded by Steps 4. and 5. of this Procedural Order.
7. 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](http://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](http://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](mailto: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](mailto:robert.caputo@oeb.gov.on.ca) and Board Counsel, Michael Millar at [michael.millar@oeb.gov.on.ca](mailto:michael.millar@oeb.gov.on.ca) on all electronic correspondence related to this case.

**DATED** at Toronto, November 19, 2009  
**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary