



**EB-2009-0177**

**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 Middlesex  
Power Distribution Corporation for an order approving just  
and reasonable rates and other charges for electricity  
distribution that are charged within the Dutton Hydro  
Limited service area to be effective October 1, 2009.

### **PROCEDURAL ORDER No. 3**

Middlesex Power Distribution Corporation ("Middlesex Power") filed an application with the Ontario Energy Board (the "Board"), received on June 29, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that are charged within the Dutton Hydro Limited ("Dutton Hydro") service area, to be effective October 1, 2009.

Pursuant to Procedural Order No. 1, Board staff filed interrogatories on August 28, 2009. Procedural Order No. 1 also set out dates for responses to interrogatories and for submissions. On September 2, 2009, Middlesex Power informed the Board that it would not be able to meet the deadline for filing interrogatory responses. Procedural Order No. 2, issued on September 25, 2009, noted that interrogatory responses had yet to be filed and cancelled the dates for the filing of submissions set out in Procedural Order No. 1.

On October 21, 2009, Middlesex Power filed interrogatory responses and informed the Board that in the course of preparing responses, Middlesex Power discovered that the distribution rates charged by Dutton Hydro to its customers since May 1, 2005 are not Board-approved rates. On November 3, 2009, Middlesex Power filed a proposed

Mitigation Plan to refund amounts overcharged from May 1, 2005 to December 31, 2009. The plan was subsequently updated on November 13, 2009.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further Procedural Orders from time to time.

**THE BOARD ORDERS THAT:**

1. If Board staff wishes to file a written submission, it shall file the submission with the Board and deliver it to Middlesex Power on or before **December 11, 2009**.
2. If Middlesex Power wishes to respond to any submissions, it may do so by filing a response with the Board on or before **January 4, 2010**.

All filings to the Board must quote the file number, EB-2009-0177, be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://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](http://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, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4

Attention: Board Secretary

E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

**DATED** at Toronto, November 26, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary