



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. 3

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 issued a Notice of Application and Hearing on September 29, 2009. On October 23, 2009, the Board issued Procedural Order No. 1 granting Consumers Council of Canada, Energy Probe, Schools Energy Coalition, Vulnerable Energy Consumers Coalition, and U.S. Steel intervenor and cost eligibility status. Procedural Order No. 1 also established dates for the filing of interrogatories and responses to those interrogatories. On November 5, 2009 the Board issued Procedural Order No. 2 clarifying that although U.S. Steel had been granted intervenor status, it had not been granted eligibility for cost awards.

On November 4 and November 9, 2009, Board staff and intervenors respectively, filed interrogatories pursuant to Procedural Order No. 1. By letter dated November 26, 2009, Horizon requested an extension to the date for filing responses to the interrogatories from November 26, 2009 to December 1, 2009.

The Board grants the extension.

In Procedural Order No. 1, the Board stated that it expects to proceed by way of written hearing in this matter. The Board also noted that following its review of the responses, the Board may include an oral component if in the Board's view it is warranted. The Board is now seeking the views of Horizon and all intervenors regarding the need for an oral hearing in this proceeding. The Board will be assisted if intervenors conduct an expeditious review of the responses to the interrogatories and consider whether an oral hearing would be appropriate for this case.

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. Horizon shall file responses to all interrogatories with the Board and deliver them to all intervenors by December 1, 2009.
2. Horizon and all intervenors may file with the Board and deliver to all other parties on or before December 10, 2008 submissions on whether a written or oral hearing is preferred. Parties' positions on a written or oral hearing must be supported with specific reasons.

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.

DATED at Toronto, November 27, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary