



**EB-2009-0271**

**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 Oakville Hydro Electricity Distribution Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2010.

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

Oakville Hydro Electricity Distribution Inc. ("Oakville Hydro") filed an application with the Ontario Energy Board (the "Board") on August 28, 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 Oakville Hydro charges for electricity distribution, to be effective May 1, 2010. The Board has assigned the File Number EB-2009-0271 to this application.

The Board issued a Notice of Application and Hearing on September 11, 2009. Procedural Order No. 1 was issued by the Board on October 7, 2009.

In accordance with Procedural Order No. 1, the Board made a provision to allow parties to make submissions on Oakville Hydro's confidentiality request regarding two agreements with EI-Con Construction Inc. ("EI-Con"). The School Energy Coalition, an intervenor in the proceeding, filed its submission on October 16, 2009 and Oakville Hydro provided its reply to the submission on October 23, 2009.

The Board has reviewed parties' submissions and will grant Oakville Hydro's request for confidentiality with respect to the two agreements. The Board expects parties to comply with the Board's Practice Direction on Confidential Filings (the "Practice Direction") in dealing with these documents.

In Procedural Order No.1, the Board also required Oakville Hydro to file responses to all interrogatories and deliver them to the parties no later than November 6, 2009. By a letter dated November 5, 2009, Oakville Hydro requested an extension for filing responses to interrogatories to November 20, 2009, citing a number of factors for the requested extension. The Board issued Procedural Order No. 2 granting the requested extension.

In the response to interrogatories filed on November 20, 2009, Oakville Hydro filed certain information in confidence. Oakville Hydro stated that the following interrogatory responses contain confidential information:

- OEB #24 (B) - Salary Cost of Human Resource Services
- VECC #6 (c) - Copy of Hay Group Survey on Senior Management Compensation
- Energy Probe # 15 (a) - Salaries of replacement positions
- Energy Probe # 15 (b) - Salary costs of position overlaps
- Energy Probe # 17 (b) - Operations Manager's salary
- SEC # 7 - List of Salary Adjustments to pay market value
- SEC # 19 (a) - Management staff salaries for Regulatory Affairs department
- SEC # 19 (d) - KPMG Bid on IFRS project and subsequent contracts
- SEC #21 - Current Pay for Performance Plan
- SEC #22 (i) - EI-Con bid response to last RFP for underground capital work.

In accordance with section 5.1.5 of the Practice Direction, Oakville Hydro has filed a cover letter requesting confidentiality which identifies the interrogatory responses that are being filed in confidence, together with a description of the basis on which confidentiality is claimed. As an interim measure, the Board will allow any parties that wish to review the confidential documents to do so after signing a copy of the Board's Declaration and Undertaking, and filing it with the Board. Parties that wish to make submissions on whether or not the Board should ultimately treat the interrogatory responses as confidential may make submissions on this issue in accordance with the steps described below.

The Board stated in Procedural Order No.1 that after its review of the responses to written interrogatories, the Board would determine the next steps including whether provision should be made for additional interrogatories, a technical conference, or a settlement conference, after which the Board would determine whether to conduct an oral hearing or to make provision for written final submissions.

After its review of the responses to written interrogatories, the Board has determined that this case shall proceed by way of a settlement conference and any unsettled issues will be dealt with by way of an oral hearing.

Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. Parties wishing to make submissions on the confidentiality status of the subject responses shall file such submissions with the Board and deliver them to Oakville Hydro by **December 11, 2009**.
2. If Oakville Hydro wishes to respond to any submissions on the confidentiality status of the subject responses, it shall file such submissions with the Board and deliver them to intervenors by **December 18, 2009**.
3. A Settlement Conference will be convened on **January 13, 2010**, starting at 9:30 a.m. and, if needed, may continue until **January 14, 2010**. The Settlement Conference will be held at 2300 Yonge Street, Toronto in the Board's ADR room on the 25th Floor.
4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board by **January 21, 2010**. The Settlement Proposal should contain a list of any unsettled issues, identifying those issues that the parties believe must be dealt with by way of oral hearing.
5. Any Settlement Proposal will be reviewed by the Board on **January 25, 2010** at 9:30 a.m. at 2300 Yonge Street, Toronto in the Board's North hearing room on the 25th Floor.
6. An oral hearing will be convened on **January 25, 2010** at 1:00 p.m. and continue on **January 26, 2010** at 9:30 a.m. The hearing will be held at 2300 Yonge Street, Toronto in the Board's North hearing room on the 25th Floor.

All filings to the Board must quote the file number, EB-2009-0271, 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, 27th 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 30, 2009

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary