



**EB-2009-0261**

**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 Chatham-Kent  
Hydro Inc. for an order approving just and reasonable rates  
and other charges for electricity distribution to be effective  
May 1, 2010.

## **PROCEDURAL ORDER No. 2**

Chatham-Kent Hydro Inc. ("Chatham-Kent") filed an application (the "Application") with the Ontario Energy Board (the "Board") on October 5, 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 Chatham-Kent charges for electricity distribution, to be effective May 1, 2010.

The Board issued a Notice of Application and Hearing on October 21, 2009. In the Notice of Application and Hearing, the Board stated its intention to proceed with its review of this application by way of an oral hearing; however, the Board indicated that it would reassess the requirement for an oral hearing as the record developed through the interrogatory process. The Board issued Procedural Order No. 1 on November 11, 2009, making provision for written interrogatories. After its review of the responses, the Board will determine the next steps, including whether provision should be made for additional interrogatories, a technical conference, or a settlement conference, after which the Board will determine whether to proceed to conduct an oral hearing.

In the Application, Chatham-Kent filed a request that two documents be held in confidence by the Board pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"). The two documents are:

- A copy of Chatham-Kent Utility Services Inc.'s 2008 Audited Financial Statements; and
- Spreadsheets setting out detailed information with respect to costs related to smart meters (collectively, "the documents").

In support of its request for confidential treatment, the covering letter of Chatham-Kent's application sets out reasons why the disclosure of either document could reasonably be expected to cause harm to Chatham-Kent or its affiliate, Chatham-Kent Utility Services Inc.; advises that unredacted copies of both documents have been filed with the Board; and states that Chatham-Kent will provide unredacted copies of the documents to parties' counsel and experts or consultants who have executed the Declaration and Undertaking appended to the Practice Direction, subject to any objection which might be raised by Chatham-Kent.

The Practice Direction permits any party to a proceeding to object to the request for confidentiality by filing a written objection. This Procedural Order addresses the process for receiving such objections. Subsequent to any and all submissions received pursuant to this Procedural Order, the Board intends to make its findings with respect to Chatham-Kent's claim for confidentiality. 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. Intervenors and Board staff may make written submissions objecting to the request for confidential treatment of either or both documents for which Chatham-Kent is claiming confidentiality, which must be filed with the Board and delivered to Chatham-Kent and all other intervenors on or before **December 9, 2009**. Submissions should comply with the *Practice Direction on Confidential Filings*, specifically sections 5.16 and 5.17.
2. Chatham-Kent shall file any reply submission with respect to any submissions filed pursuant to part 1 above, pursuant to section 5.1.8 of the *Practice Direction on Confidential Filings*, with the Board and delivered to all intervenors on or before **December 16, 2009**.

All filings to the Board must quote the file number, EB-2009-0261, 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, December 1, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary