



EB-2009-0242

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 York
Energy Centre LP for an electricity generation licence.

By delegation, before: Theodore Antonopoulos

PROCEDURAL ORDER #2

York Energy Centre LP (“York Energy” or the “Applicant”) filed an application dated June 29, 2009 with the Ontario Energy Board (the “Board”) under section 60 of the *Ontario Energy Board Act, 1998* for an electricity generation licence.

The Board’s Notice of Application and Written Hearing (the “Notice”) for this application was posted on July 30, 2009. Four parties responded to the Notice: Harten Consulting, Township of King (the “Township”), Richard Johnson, and the Concerned Citizens of King Township Inc. (“CCKT”). In their response to the Notice, Harten Consulting and CCKT requested the Board convene an oral hearing to examine the merits of the application. On September 10, 2009, the Board issued a Decision with Reasons and Procedural Order #1 denying the oral hearing request and extending the time for interested parties to file written submissions on the merits of the application.

The following parties submitted additional written responses: The Township, Ontario Nature, CCKT, Richard Johnson, and Clayton de Vries. York Energy responded to all parties in one submission on September 30, 2009. The record closed in this proceeding with York Energy’s reply submission.

The Board notes that following the closing of the record, the Applicant provided an update to its application on October 21, 2009. This information was copied to all parties. On November 6, 2009, CCKT filed correspondence responding to York Energy's update. On November 12, 2009, the Applicant filed a further correspondence responding to CCKT's correspondence.

In light of the new information submitted by the Applicant and the submissions of the parties with respect thereto, the Board will re-open the record of the application to include the new information such that all information submitted after September 30, 2009 will be placed on the public record of the application. The re-opening of the record will also provide the Applicant, Board staff and the remaining parties identified in Appendix A to this Procedural Order a final opportunity to clarify these and any other perceived deficiencies by way of written interrogatories followed by final submissions.

As set out in Procedural Order No. 1, the Board's primary concern with a licence application is the Applicant's ability to own and operate a generation facility and to participate reliably in Ontario's energy market.

Accordingly, the Board directs parties to limit their interrogatories to elicit information that is relevant to the Board's consideration of the Applicant's ability to own and operate a generation station and to participate reliably in the energy market.

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

IT IS THEREFORE ORDERED THAT:

1. Apart from Board staff, Appendix A contains the final list of parties to this proceeding.
2. The additional correspondence filed with the Board by CCKT and York Energy subsequent to the closing of the record is adopted and forms part of the record in this proceeding.
3. Board staff and all other interested parties identified in Appendix A who wish information and material from York Energy that is in addition to York Energy's evidence, and that is relevant to this proceeding, shall request it by written interrogatories filed with the Board and delivered to York Energy and all other

interested parties on or before **December 16, 2009**. The interrogatories should be limited to the Board's consideration of the Applicant's ability to own and operate a generation station and to participate reliably in the energy market.

4. York Energy shall file with the Board complete responses to all interrogatories and deliver them to the Board and all interested parties no later than **January 4, 2010**.
5. Final written submissions from Board staff and all other interested parties, except for York Energy, shall be filed with the Board and delivered to all parties by **January 18, 2010**.
6. Final reply submissions from York Energy shall be filed with the Board and delivered to all interested parties by **January 28, 2010**.

DATED at Toronto, December 2, 2009.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

**APPENDIX A
to
Procedural Order No. 2
IN THE MATTER OF
Electricity Generation Licence Application
York Energy Centre LP
EB-2009-0242**

DATED December 2, 2009

**York Energy Centre LP
Electricity Generation Licence Application
EB-2009-0242
Applicant & List of Interested Parties**

Applicant

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Interested Parties

Rep. and Address for Service

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And

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5. Richard D. Johnson

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