



**EB-2009-0259**

**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 Burlington  
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**

Burlington Hydro Inc. ("Burlington") filed an application with the Ontario Energy Board, received 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 Burlington charges for electricity distribution, to be effective May 1, 2010.

In Procedural Order No.1, issued on October 19, 2009, the Board made provision for written interrogatories and indicated that after review of the responses to the interrogatories, it would determine the next steps. The three approved intervenors, Energy Probe Research Foundation ("Energy Probe"), School Energy Coalition ("SEC") and Vulnerable Energy Consumers Coalition ("VECC"), and Board staff filed interrogatories. Burlington filed responses to the interrogatories on November 20, 2009.

In response to interrogatories filed on November 20, 2009, Burlington filed certain information in confidence. Burlington advised that the following interrogatory responses contained confidential information and requested that the information be kept in confidence in accordance with the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"):

- SEC #8 (c) – Consultants' report relating to GIS system
- SEC #15 (c) – Meter reading contract (collectively the "documents")

In accordance with section 5.1.5 of the Practice Direction, Burlington filed a letter requesting confidentiality which identifies the documents 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 documents to do so after signing a copy of the Declaration and Undertaking appended to the Practice Direction, and filing it with the Board. Parties that wish to make submissions on whether or not the Board should ultimately treat the documents as confidential may make submissions on this issue in accordance with the steps described below. If the Board ultimately decides that the documents should not be afforded confidential treatment, they will be placed on the public record.

In accordance with section 6.3.2 of the Practice Direction, the Board orders Burlington to file a redacted version of the confidential filings such that the documents can be placed on the public record. Where it is necessary to make specific reference to confidential information, Burlington should ensure that all confidential information has been redacted. Burlington is to make a submission if it is unable to comply with the above order.

The Board has determined to continue by way of a written hearing. The Board has decided to make provision at this time for a round of written supplemental interrogatories. After its review of the responses, the Board will allow for written submissions by Board staff and intervenors. The record will close with a reply submission by Burlington.

#### **THE BOARD ORDERS THAT:**

1. Parties that wish to review the documents prior to the Board's decision on the claim for confidentiality shall sign a copy of the Declaration and Undertaking appended to the Practice Direction, and file it with the Board. Burlington will provide a copy of the interrogatory answers to the individuals which execute the Board's Declaration and Undertaking.
2. Parties wishing to make submissions on the confidentiality status of the documents shall file such submissions with the Board and deliver to them to Burlington by **December 11, 2009**.

3. If Burlington wishes to respond to any submissions on the confidentiality status of the documents, it shall file such submissions with the Board and deliver them to the intervenors by **December 18, 2009**.
4. Burlington shall file a redacted version of the documents, or a submission outlining why it is unable to comply with the Board's order, with the Board and deliver them to the intervenors by **December 18, 2009**.
5. Board staff and intervenors shall request information and material from Burlington that is in addition to Burlington's responses to interrogatories filed on November 20, 2009 and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Burlington and all intervenors on or before **December 11, 2009**. Where possible, the questions should specifically reference the evidence on the record to which each interrogatory pertains.
6. Burlington shall file with the Board complete responses to all interrogatories and deliver them to all intervenors no later than **December 21, 2009**.
7. Board staff shall file a submission with the Board and deliver it to Burlington and intervenors no later than **January 11, 2010**.
8. Intervenors who wish to do so may file a submission with the Board and deliver it to Burlington and all other intervenors no later than **January 18, 2010**.
9. Burlington, if it wishes to do so, shall file a reply submission addressing any issues raised in any submissions filed by Board staff or intervenors no later than **February 1, 2010**.

All filings to the Board must quote file number EB-2009-00259, 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 [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are

required to file seven paper copies. If you have submitted through the Board's web portal an e-mail is not required."

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, December 4, 2009

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary