



EB-2009-0283

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
Canadian Niagara Power Inc., for an order or orders
granting Leave to construct transmission facilities in
the Niagara Falls / Fort Erie Area.

PROCEDURAL ORDER NO. 3

Canadian Niagara Power Inc. (the "Applicant" or "CNP") has filed an application with the Ontario Energy Board, (the "Board") dated July 16, 2009 under section 92 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, Schedule B. CNP is a licensed Ontario transmitter which operates a transmission system in the Niagara Falls / Fort Erie area including an international interconnection to US National Grid's transmission system in Buffalo, New York, under a National Energy Board permit. CNP has applied for an order of the Board granting leave to construct transmission facilities in the Niagara Falls / Fort Erie area to reinforce its existing 115 kilovolt transmission system, as outlined in the Notice of Application.

The Board has assigned File No. EB-2009-0283 to this application.

The Board issued a Notice of Application and Hearing on August 5, 2009. The Notice was published and served by the Applicant as directed by the Board.

The Board's Procedural Order No. 1 issued on October 1, 2009, established a timetable for a number of steps involving interrogatories and submissions. Procedural Order No. 2 issued on November 19, 2009 allowed for a round of supplementary interrogatories and updated the schedule for the remaining procedural steps. According to Procedural Order No. 2, CNP, Hydro One Networks Inc. ("Hydro One") and the Independent Electricity System Operator (the

“IESO”) were scheduled to file their responses to supplementary interrogatories by December 4, 2009. CNP was also scheduled to make further submissions by December 4, 2009.

Hydro One and the IESO filed their responses to the supplementary interrogatories on December 3, 2009 and December 4, 2009, respectively.

By a letter dated December 4, 2009, CNP advised that it would be delayed in filing its responses to the supplementary interrogatories and in making submissions until December 8, 2009.

The Board has decided to accept CNP’s delay in the filing of its responses to supplementary interrogatories until December 8, 2009 and to make schedule adjustments to the other procedural steps.

The Board intends to continue by way of written hearing. However, depending on the information filed through the supplementary interrogatory process, the Board may include an oral component if in the Board’s view it is warranted. This determination will be made at a later stage. If the Board decides to include an oral component, the deadlines for submissions as presented below will be modified.

The Board considers it necessary to make provision for a number of procedural matters and to modify the deadlines contained in prior procedural orders. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. The Applicant shall file with the Board, and deliver to the other parties, complete responses to the supplemental interrogatories on or before **Tuesday, December 8, 2009.**
2. The Applicant shall file any closing submission with the Board, and deliver to the other parties, on or before **Tuesday, December 8, 2009.**
3. Intervenors and Board Staff who wish to file submissions shall do so, with copies to the Applicant and other parties, on or before **Friday, December 18, 2009.**
4. The Applicant shall file any reply submission with the Board, and deliver it to the other parties, on or before **Tuesday, December 29, 2009.**

5. Steps 2 - 5 of Procedural Order No. 2 are superseded by Steps 1 - 4 of this Procedural Order.
6. All filings to the Board must quote file number EB-2009-0283. You must file two paper copies and an electronic copy through the OEB Web Portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. Alternately, the electronic copy of your intervention request may be submitted by e-mail to the Board Secretary at BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit the electronic copy on a CD or diskette. All electronic filings are to be in searchable/unprotected PDF format.

Parties must also include the Case Manager, Robert Caputo at robert.caputo@oeb.gov.on.ca and Board Counsel, Michael Millar at michael.millar@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto, December 07, 2009
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary