



EB-2009-0273

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 Orillia Power Distribution Corporation for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2010.

PROCEDURAL ORDER No. 2

Orillia Power Distribution Corporation ("Orillia Power") filed an application with the Ontario Energy Board, received on September 16, 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 Orillia Power charges for electricity distribution, to be effective May 1, 2010.

In Procedural Order No.1, issued on November 2, 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 two approved intervenors, School Energy Coalition ("SEC") and Vulnerable Energy Consumers Coalition ("VECC"), and Board staff filed interrogatories. Orillia Power filed responses to the interrogatories on December 2, 2009.

In response to interrogatories filed on December 2, 2009, Orillia Power filed certain information requesting confidentiality. In accordance with section 5.1.4 of the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"), Orillia Power's confidentiality request included a cover letter indicating the reasons for the confidentiality request, a confidential unredacted version of the documents and provided a non-confidential description of the documents as follows:

- SEC #8 – Affiliate Charges: Financial Statements for Orillia Power Generation Corporation.

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 Orillia Power 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, Orillia Power should ensure that all confidential information has been redacted. Orillia Power 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. The Board has also determined that a settlement process be introduced in the proceeding. In the event that no settlement is reached on some of the issues, the Board will allow for written submissions by Board staff and intervenors on outstanding issues. The record will close with a reply submission by Orillia Power addressing any outstanding issues.

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. Orillia Power will provide a copy of the referenced above document to the individuals who executed 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 them to Orillia Power by **December 22, 2009**.

3. If Orillia Power 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 **January 6, 2010**.
4. Orillia Power shall file a redacted version of the documents, or a submission outlining why it is unable to comply with the Board's order to deliver a redacted version, with the Board and deliver them to the intervenors by **January 6, 2010**.
5. Board staff and intervenors shall request information and material from Orillia Power that is in addition to Orillia Power's responses to interrogatories filed on December 2, 2009 and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Orillia Power and all intervenors on or before **December 22, 2009**. Where possible, the questions should specifically reference the evidence on the record to which each interrogatory pertains.
6. Orillia Power shall file with the Board complete responses to all interrogatories and deliver them to all intervenors no later than **January 11, 2010**.
7. A Settlement Conference will be held on **January 18 & 19, 2010** at the Board's offices at 2300 Yonge Street, 25th floor, Toronto, commencing at 9:30 am. The Board expects the resulting settlement proposal to be filed no later than **January 26, 2010**.
8. In the event that no settlement is reached on some of the issues, intervenors who wish to do so may file a submission on the outstanding issues with the Board and deliver it to Orillia Power and all other intervenors no later than **January 29, 2010**.
9. Orillia Power, if it wishes to do so, may file a reply submission addressing any outstanding issues no later than **February 8, 2010**.

All filings to the Board must quote file number EB-2009-0273, be made through the Board's web portal at 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. If the web

portal is not available you may email your document to the 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 17, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary