



**EB-2009-0332**

**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 Horizon Utilities Corporation for an order approving the recovery of certain amounts related to an unforeseen loss of revenue to be effective January 1, 2010.

### **PROCEDURAL ORDER No. 5**

Horizon Utilities Corporation (“Horizon”) filed an application with the Ontario Energy Board (the “Board”) on September 3, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for the recovery of certain amounts related to an unforeseen loss of revenue, to be effective January 1, 2010.

The Board issued a Notice of Application and Hearing on September 29, 2009.

On October 23, 2009, the Board issued Procedural Order No. 1 granting the Consumers Council of Canada, Energy Probe, School Energy Coalition, Vulnerable Energy Consumers Coalition, and U.S. Steel Canada Inc. intervenor and cost eligibility status. Procedural Order No. 1 also established dates for the filing of interrogatories and responses to those interrogatories.

On November 5, 2009, the Board issued Procedural Order No. 2 clarifying that although U.S. Steel Canada Inc. had been granted intervenor status, it had not been granted eligibility for cost awards.

On November 27, 2009, the Board issued Procedural Order No. 3, granting Horizon’s request for an extension to the date for filing responses to the interrogatories from November 26, 2009 to December 1, 2009 and seeking submissions from parties by

December 10, 2009 regarding the need for an oral hearing in this proceeding.

On December 17, 2009, the Board issued Notice of Hearing and Procedural Order No. 4 ("Procedural Order No. 4"), which among other matters, established that the Board would hold a one-day oral hearing on this application on Thursday January 14, 2010, which, if necessary, could be continued on Friday January 15, 2010.

On December 29, 2009, the Board received a letter from Horizon requesting a postponement in the date of the oral hearing to no earlier than January 28, 2010. Horizon argued that its proposed brief postponement was both reasonable and appropriate under the circumstances due to both workload and availability issues related to its staff. Horizon also expressed the concern that the timing of the balance of the proceeding, as set out in Procedural Order No. 4, would allow little time between the Board's determination on the confidentiality issues in this proceeding and the beginning of the oral hearing.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. The oral hearing will commence in the Board's hearing room on **Thursday January 28, 2010** at 2300 Yonge Street, 25<sup>th</sup> Floor, Toronto, at 9:30am. The oral hearing will continue, if necessary, on Friday January 29, 2010.
2. All other dates set out in Procedural Order No. 4 remain valid.

All filings to the Board must quote the file number, EB-2009-0332, 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 [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 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.

**DATED** at Toronto, January 5, 2010

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary