



EB-2009-0271

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 Oakville Hydro Electricity Distribution Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2010.

PROCEDURAL ORDER No. 4

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

The Board issued a Notice of Application and Hearing on September 11, 2009.

Procedural Order No. 1 was issued by the Board on October 7, 2009. It approved a number of intervention requests and established a schedule for the first round of interrogatories.

By a letter dated November 5, 2009, Oakville Hydro requested an extension for filing responses to interrogatories to November 20, 2009, citing a number of factors for the requested extension. The Board issued Procedural Order No. 2 granting the requested extension.

On November 30, 2009, the Board issued Procedural Order No. 3 in which it determined that this case shall proceed by way of a settlement conference and that any unsettled issues will be dealt with by way of an oral hearing. The Board established

January 13, 2010 for a settlement conference and January 25 and 26, 2010 for an oral hearing.

On December 22, 2009, Oakville Hydro filed a letter requesting that the proceeding be adjourned to a future date and advised the Board that certain material revisions to the application may be required. A response letter was issued by the Board on December 23, 2009 denying the request due to inadequate reasons provided by Oakville Hydro.

Subsequently, Oakville Hydro filed a letter on December 30, 2009 providing more information on the nature of the changes to the application and their materiality, and stating that the changes to the application could not be accommodated as part of the current schedule. Oakville Hydro indicated that its amended application would be filed by February 18, 2010.

School Energy Coalition ("SEC") filed a letter on January 5, 2010 in response to Oakville Hydro's request for an adjournment. SEC submitted that Oakville Hydro should be permitted either to withdraw its current application and refile a new one, or to file updated information within the existing proceeding, but providing for a new public notice as well. In either case, SEC submitted that all or a substantial portion of the costs of parties incurred to date should be borne by Oakville Hydro's shareholder, not the ratepayers. On January 6, 2010, Energy Probe Research Foundation ("Energy Probe") filed a letter concurring with SEC's position.

On January 7, 2010, Oakville Hydro filed a letter in response to the letters filed by SEC and Energy Probe. Oakville Hydro stated that both intervenors appear to agree that the adjournment is appropriate in the circumstances. Oakville Hydro submitted that the notice required by the Board has been served and remains sufficient. In regards to the regulatory treatment of intervenor costs, Oakville Hydro stated that the costs related to this application and the proceeding have been incorporated into its application as part of the revenue requirement and would not be increased as a result of the transaction related to its affiliate. If the costs exceeded the proposed amount, the excess would be borne by Oakville Hydro's shareholder.

The Board notes that the granting of the requested adjournment may suggest a suspension of this proceeding indefinitely. The Board will not delay this proceeding indefinitely, but it will postpone the scheduled settlement conference and oral hearing

events. The Applicant has committed to providing its updated information by February 18, 2010, and the Board expects that the Applicant will meet this deadline.

Accordingly, the Board will establish revised dates for these events in addition to establishing an additional discovery phase for the new information. Appendix A outlines proposed dates, based on the assumption that additional notice will not be required. The Board will determine the need for additional notice following its review of the new information. At that time, the Board will issue a procedural order either establishing the dates outlined in Appendix A or directing the Applicant to publish additional notice of the application. In the latter case, the dates outlined in Appendix A will be revised in due course.

It is open to intervenors to raise the issue of regulatory costs as part of the hearing.

The Board anticipates that the requested May 1, 2010 effective date will be an issue in the hearing as the implementation date may likely be after May 1, 2010, and perhaps considerably later, depending on the future course of the proceeding.

The Board considers it necessary to make provision for the following matters related to this proceeding.

THE BOARD ORDERS THAT:

1. The events and associated dates outlined in Procedural Order No. 3 are cancelled.
2. Oakville Hydro shall file updated information on its application by February 18, 2010.

All filings to the Board must quote the file number, EB-2009-0271, 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 address below. 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.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, January 8, 2010
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

Oakville Hydro Electricity Distribution Inc.

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Proposed Schedules

	Proposed dates
Supplemental Interrogatories due	March 1, 2010
Interrogatory responses filed	March 8, 2010
Settlement Conference	March 15 & 16, 2010
Settlement Agreement filed with the Board	March 29, 2010
Settlement Agreement Hearing	April 5, 2010, morning
Oral Hearing	April 5, 2010, afternoon and April 6, 2010