



EB-2009-0063

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 Brantford Power Inc. to the Ontario Energy Board for an Order or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity as of May 1, 2008 (EB-2007-0698);

AND IN THE MATTER OF a Motion by Brant County Power Inc. to review and vary the implementation of the Board's Interim Order dated April 21, 2008 in the rates proceeding;

AND IN THE MATTER OF a Motion by Brant County Power Inc. to review and vary the implementation of the Board's Decision dated July 18, 2008 and the Board's Order dated August 29, 2008 in the rates proceeding

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Ken Quesnelle
Member

PROCEDURAL ORDER NO. 6

Brant County Power Inc. ("Brant County") filed a Notice of Motion with the Ontario Energy Board on February 25, 2009 for an order or orders varying the Interim Order of the Board dated April 21, 2008, the Decision of the Board dated July 18, 2008 and the Order of the Board dated August 29, 2008 in the Brantford Power Inc. ("Brantford Power") EB-2007-0698 rates proceeding. The Board has assigned the Notice of Motion file number EB-2009-0063.

The Motion is to seek relief from the impact on Brant County of the rates resulting from the Board's Decision and Orders approving Brantford Power's 2008 rates.

On April 1, 2009, the Board issued its Notice of Motion to Vary and Procedural Order No. 1 in which it stated that it had reviewed the Motion Record, and had decided to grant leave to Brant County, pursuant to Rule 42.02 of the Board's *Rules of Practice and Procedure*, to bring the motion.

On December 1, 2009 the Board issued Procedural Order No. 5 which established revised dates for filing interrogatories, submissions and reply argument and directed, among other things, that Brant County's reply argument be filed by Thursday January 21, 2010. By way of a letter from counsel for Brantford Power dated January 15, 2010, Brantford Power requested that it be given time to respond to an issue raised by Board staff in its submission concerning the application of the *Limitations Act, 2002*, and accordingly an extension of the date for Brant County's reply should also be granted. Brantford Power proposed a revised timeline.

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

THE BOARD ORDERS THAT:

1. The Direction for Brant County to file reply argument no later than Thursday January 21, 2010 is rescinded.
2. Brantford Power is to file reply submission on the point raised by Board staff concerning the *Limitations Act, 2002* by Monday January 25, 2010.
3. Brant County Power Inc. is to file reply argument no later than Monday, February 1, 2010.

All filings to the Board must quote the file number EB-2009-0063, 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 Board through 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 and be received no later than 4:45 p.m. on the required date.

DATED at Toronto, January 20, 2010.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary