



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. 3

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. The two approved intervenors, School Energy Coalition ("SEC") and Vulnerable Energy Consumers Coalition ("VECC"), and Board staff filed interrogatories. On December 2, 2009, in response to interrogatories filed by intervenors and Board staff, Orillia Power filed certain information requesting confidentiality.

In Procedural Order No.2, issued on December 17, 2009, as an interim measure, the Board allowed any parties that wished to review the documents for which confidentiality was being claimed, to do so after signing a copy of the Declaration and Undertaking appended to the Board's *Practice Direction on Confidential Filings*, and filing it with the Board. The Board invited parties that wished to make submissions on whether or not the Board should ultimately treat the documents as confidential. The Board also

ordered Orillia Power to file a redacted version of the confidential filings such that the documents could be placed on the public record. Orillia Power filed a redacted version of the confidential filings on January 6, 2010. No party made any submission on the request for confidentiality of the documents.

The Board accepts Orillia Power's claim for confidentiality.

Also in Procedural Order No.2, the Board decided to make provision for a round of written supplemental interrogatories. The Board also decided that a settlement process would be introduced in the proceeding and allowed for written submissions by Board staff and intervenors on outstanding issues.

Orillia Power filed responses to the supplemental interrogatories on January 11, 2010.

Orillia Power and the intervenors participated in a Settlement Conference on January 18, 2010, with the assistance of a facilitator. As a result of the Settlement Conference, the parties agreed to prepare a Settlement Proposal to present to the Board.

In this Procedural Order No.3, the Board has included the timelines to file the Settlement Proposal and has revised the dates for written submissions by Board staff and intervenors on any outstanding issues. The date for a reply submission by Orillia Power has also been revised.

THE BOARD ORDERS THAT:

1. The Settlement Proposal is to be filed with the Board no later than **February 8, 2010**.
2. Intervenors and Board staff who wish to do so may file a submission on outstanding issues with the Board and deliver it to Orillia Power and all other intervenors no later than **February 12, 2010**.
3. Orillia Power, if it wishes to do so, may file a reply submission on outstanding issues with the Board and deliver it to all other intervenors no later than **February 19, 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, January 25, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary