

EB-2009-0408
EB-2009-0409

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 Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission LP seeking changes to the uniform provincial transmission rates for 2010;

AND IN THE MATTER OF an Application by Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission LP for a deferral account relating to renewable energy projects.

PROCEDURAL ORDER NO. 1
AND
INTERIM RATE DECISION

Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission LP ("GLPT" or the "Applicant") has filed an Application with the Ontario Energy Board (the "Board") on November 30, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, 1998 S.O. c.15, (Schedule B). GLPT is seeking approval for changes to the uniform provincial transmission rates ("UTR") that GLPT (and other transmitters) charge for electricity transmission, to be effective January 1, 2010. The Board has assigned Board file number EB-2009-0408 to the Rate Application.

GLPT has also filed an application with the Board on November 27, 2009 requesting that a deferral account be granted for the purposes of recording capital expenditures as well as operation, maintenance and administration

expenses related to renewable generation connection, system planning, and infrastructure investment arising from the *Green Energy and Green Economy Act, 2009* (the “Deferral Account Application”). The Board has assigned Board file number EB-2009-0409 to the Deferral Account Application.

The Board issued a Notice of Applications and Combined Hearing dated December 31, 2009 for both applications, and directed GLPT to commence service and publication of the Notice on Monday, January 4, 2010.

Four intervention requests were filed with the Board: (1) Canadian Niagara Power Inc. (“CNPI”); (2) Independent Electricity System Operators “IESO”); (3) Vulnerable Energy Consumers Coalition (“VECC”); (4) Energy Probe Research Foundation (“Energy Probe”). The applications for intervention by VECC and Energy Probe also included requests for eligibility to seek an award of costs for participation in this proceeding.

The Board has granted intervention status to the four parties, subject to the Applicant’s right of reply to each of these requests within 10 days of the issuance of this Order and has granted cost eligibility to VECC and Energy Probe. Parties are reminded that requests for cost awards will ultimately be considered with regard to the Board’s *Practice Direction on Cost Awards*, which is available on the Board’s Web site at www.oeb.gov.on.ca.

Interim Rate Determination

In its Application, GLPT requested that its current rates be made interim as of January 1, 2010, and that the proposed rates ultimately be made effective as of January 1, 2010.

This issue is complicated somewhat by a motion to review a decision of the Board relating to the 2010 UTR by Hydro One Networks Inc. (“Hydro One”). Hydro One also sought an order for interim rates for the UTR, which the Board granted effective January 15, 2010.

The Board has reviewed its practices in regard to interim rates, GLPT’s request, and the implications on GLPT of the Board’s decision regarding interim rates related to Hydro One’s Motion. The Board has determined that the current Uniform Transmission Rates as they relate to GLPT will be made interim as of

January 1, 2010. The effective date of any new rates resulting from the decision in this case will be considered later in this proceeding.

Procedural Steps for the Deferral Account Application

On January 6, 2010, the Applicant filed a letter in regard to the Deferral Account Application, attached as Appendix "A" to this Order, requesting that the two applications be considered separately and that the Board dispose of the Deferral Account Application without a hearing.

The Board has determined that it would not be appropriate to decide the Deferral Account Application without a hearing. However, the Board will provide for a compressed evidentiary process for the Deferral Account Application, which will allow for the possibility of a decision on the application in advance of the completion of the Rate Application. The procedural steps for the Deferral Account Application are attached as Appendix "B" to this Order.

Procedural Steps for the Rate Application

The Applicant requested that this proceeding be conducted by way of written hearing. The Board has not yet determined whether an oral hearing may be required and intends to make that determination at a later stage as the application record develops.

The Board considers it necessary to make provision for certain procedural steps, with deadlines as set out in Appendix "C" to this Order

Please be aware that further procedural orders may be issued from time to time.

A preliminary list of Intervenors is attached as Appendix "D" to this Order.

THE BOARD ORDERS THAT:

Interim Rate

1. The current Uniform Transmission Rates as they relate to Great Lakes Power Transmission LP will be made interim as of January 1, 2010.

Deferral Account Application

2. Intervenors and Board staff who wish information and material from the Applicant that is in addition to the evidence filed with the Board, and that is relevant to the proceeding, shall request it by written interrogatories filed

- with the Board and delivered to the Applicant, in accordance with the schedule attached as Appendix “B” to this Order. The Applicant shall file with the Board complete responses to all interrogatories and deliver them to the intervenors according to that same schedule in Appendix “B”.
3. Intervenors and Board staff who wish to make submissions should do so according to the schedule attached as Appendix “B” to this Order, and the Applicant shall reply to any submissions according to that same schedule in Appendix “B”.

Rate Application

4. Intervenors and Board staff who wish information and material from the Applicant that is in addition to the evidence filed with the Board, and that is relevant to the proceeding, shall request it by written interrogatories filed with the Board and delivered to the Applicant, in accordance with the schedule attached as Appendix “C” to this Order. The Applicant shall file with the Board complete responses to all interrogatories and deliver them to the intervenors according to that same schedule in Appendix “C”. All interrogatories must identify the Reference in the format as shown by the example attached as Appendix “E”.
5. Intervenors and Board staff who wish to present evidence shall file that evidence with the Board and deliver it to the Applicant and the other intervenors according to the schedule in Appendix “C” of this Order.

General for both Applications Regarding submissions of all filings to the Board

6. If you already have a user ID, please submit all filings to the Board noted in this Procedural Order through the Board’s web portal at www.errr.oeb.gov.on.ca. Additionally, two paper copies are required. If you do not have a user ID, please visit the Board’s website under e-filings and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines found at www.oeb.gov.on.ca, e-Filing Services. The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required. Those who do not have internet access are required to submit their intervention request on a CD or diskette in PDF format, along with two paper copies.

DATED at Toronto on January 29, 2010
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix "A"
To
Procedural Order No. 1
And
Interim Rate Decision
January 29, 2010

Applicant Letter to the Board Dated January 6, 2010

Great Lakes Power Transmission LP – Deferral Account Application
(EB-2009-0409)

January 6, 2010

RESS & COURIER

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Great Lakes Power Transmission LP -
Deferral Account Application (EB-2009-0409)**

We are counsel to Great Lakes Power Transmission LP (“GLPT”) in the above-noted proceeding. The proceeding arises from a request made on behalf of GLPT to the Ontario Energy Board (the “Board”) on November 27, 2009 for the granting of a deferral account for the purposes of recording capital costs, as well as operation, maintenance and administration expenses, related to renewable generation connections, system planning and infrastructure investments arising from the *Green Energy and Green Economy Act, 2009* (“GEA”).

On December 30, 2009, the Board issued a Notice of Applications and Combined Hearing (the “Notice”) in respect of both the deferral account request (EB-2009-0409) and a 2010 transmission rate application filed on behalf of GLPT on November 30, 2009 (EB-2009-0408), together with a Letter of Direction requiring service and publication of such Notice. The Notice refers to the deferral account request and the rate application as a single proceeding. Although the request and the application were made separately and have been given distinct file numbers, the Board appears to have consolidated these proceedings without having issued an order to this effect.

As the requestor/applicant, GLPT desires that these proceedings be considered separately because costs in relation to renewable generation connections, system planning and infrastructure investments arising from the GEA may occur prior to the disposition of the rates proceeding. GLPT therefore requests an order of the Board to deal with the deferral account separately and in the manner set out below.

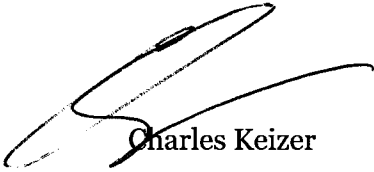
GLPT further requests a determination by the Board, pursuant to subsection 21(4) of the *Ontario Energy Board Act*, that its request for the deferral account be disposed of without a hearing. GLPT’s view is that no hearing should be required because no person will be adversely affected in a material way by the granting of the request, which, if granted, would (a) result in GLPT having an account that is similar to accounts that have already been granted to electricity distributors and Hydro One Networks Inc. and (b) only allow GLPT to record amounts in the

proposed account. The disposition of any recorded amounts would be a matter for consideration in a future application from GLPT.

However, in the event the Board determines that a hearing is required in respect of the request for a deferral account, GLPT requests that such hearing be conducted in an expeditious manner so as to allow GLPT, if successful, to begin recording amounts in the proposed account at the earliest possible date.

Please note that, promptly following service of the Notice on the parties listed in the December 30, 2009 Letter of Direction, GLPT intends to serve a copy of this letter on those same listed parties.

Yours truly,



Charles Keizer

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cc: Mr. Nabih Mikhail, Board Staff
Ms. Ljuba Cochrane, Board Counsel
Mr. Andy McPhee, GLPT
Mr. Duane Fecteau, GLPT
Mr. Jonathan Myers, Torys LLP

**Appendix “B”
To
Procedural Order No. 1
And
Interim Rate Decision
January 29, 2010**

Procedural Steps for the Deferral Account Application

Great Lakes Power Transmission LP – (EB-2009-0409)

(Note: this timetable may be amended from time to time as required by the Board)

Step	Event	Year 2010	
		Day	Deadline Date
1	Interrogatories by Board staff	Friday	February 5
2	Interrogatories by Intervenors	Wednesday	February 10
3	Interrogatory Responses by Applicant	Wednesday	February 17
4	Written submission by Board staff	Tuesday	February 23
5	Written submissions by Intervenors	Friday	February 26
6	Applicant written reply to all submissions	Friday	March 5

**Appendix “C”
To
Procedural Order No. 1
And
Interim Rate Decision
January 29, 2010**

**Procedural Steps for the Rate Application (Test Year 2010)
Great Lakes Power Transmission LP – (EB-2009-0408)**

(Note: this timetable may be amended from time to time as required by the Board)

Step	Event	Year 2010	
		Day	Deadline Date
1	Interrogatories to Applicant – Board Staff	Wednesday,	February 17
2	Interrogatories to Applicant – Intervenors	Tuesday	February 23
3	Interrogatory Responses by Applicant	Wednesday	March 3
4	Filing of Evidence by Intervenors and Board staff	Wednesday	March 10

Appendix "D"
To
Procedural Order No.1
And
Interim Rate Decision
January 29, 2010

Preliminary List of Intervenors for the two Applications

Great Lakes Power Transmission LP

Rate Application (2010 Test Year)- EB-2009-0408
Deferral Account Application - EB-2009-0409

Great Lakes Power Transmission Inc.
on behalf of Great Lakes Power Transmission LP

EB-2009-0408 and EB-2009-0409

APPLICANT & LIST OF INTERVENORS

January 29, 2010

APPLICANT

Rep. and Address for Service

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Transmission Inc.**

Andy McPhee

Vice President and General Manager

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**Great Lakes Power
Transmission Inc.**

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**Great Lakes Power Transmission Inc.
on behalf of Great Lakes Power Transmission LP
EB-2009-0408 and EB-2009-0409
APPLICANT & LIST OF INTERVENORS**

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January 29, 2010

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INTERVENORS

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Great Lakes Power Transmission Inc.
on behalf of Great Lakes Power Transmission LP
EB-2009-0408 and EB-2009-0409
APPLICANT & LIST OF INTERVENORS

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January 29, 2010

Energy Probe

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**Great Lakes Power Transmission Inc.
on behalf of Great Lakes Power Transmission LP**

EB-2009-0408 and EB-2009-0409

APPLICANT & LIST OF INTERVENORS

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January 29, 2010

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Appendix "E"
To
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Sample Format for Interrogatories

(Interrogatory Number)

Ref: Exh. X/Tab Y/Sch. Z