



EB-2009-0261

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 Chatham-Kent
Hydro 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

Chatham-Kent Hydro Inc. ("Chatham-Kent") filed an application (the "Application") with the Ontario Energy Board (the "Board") on October 5, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (the "Act"), seeking approval for changes to the rates that Chatham-Kent charges for electricity distribution, to be effective May 1, 2010. The Board assigned the File Number EB-2009-0261 to this application.

The Board issued a Notice of Application and Hearing on October 21, 2009. In the Notice of Application and Hearing, the Board stated its intention to proceed with its review of this application by way of an oral hearing, and indicated that it would reassess the requirement for an oral hearing as the record developed through the interrogatory process. The Board issued Procedural Order No. 1 on November 11, 2009, making provision for written interrogatories. Chatham-Kent filed responses to interrogatories between December 23, 2009 and January 12, 2010.

On December 1, 2009, the Board issued Procedural Order No. 2 which set out a process by which submissions were to be received regarding Chatham-Kent's request for confidential treatment made pursuant to the *Board's Practice Direction on Confidential Filings* (the "Practice Direction").

Procedural Order No. 2 made provision for submissions by parties objecting to the request for confidential treatment of either or both documents to be filed by December 10, 2009, with any reply by Chatham-Kent to be filed by December 21, 2009. No submissions were received pursuant to Procedural Order No. 2.

The Board issued Procedural Order No. 3 on January 15, 2010. Procedural Order No. 3 contained the Board's rulings on Chatham-Kent's claim for confidentiality of certain material. Procedural Order No. 3 also established a technical conference and a settlement conference, and allowed for a subsequent oral hearing, depending on the outcomes of the technical and settlement conferences.

A transcribed technical conference was conducted at the Board's offices on January 26, 2010. Responses to supplementary questions from intervenors were filed as exhibits in the Technical Conference. Undertakings arising from the technical conference and responses to Board staff's supplementary questions were filed on February 1 and 2, 2010. A settlement conference was conducted at the Board's offices on February 4 and 5, 2010.

The Board notes that settlement discussions on the application are continuing. Procedural Order No. 3 established Monday February 15, 2010 as the date for the filing of any settlement proposal with the presentation of the settlement proposal occurring at the start of the oral hearing on Tuesday February 16, 2010. In light of the ongoing discussions, the Board shall revise these dates to allow more time for parties to continue discussions and to draft a settlement proposal, as outlined below.

The Board considers it appropriate to cancel the oral hearing scheduled for February 16, 18, and 19, 2010 at this time. After receipt and review of any settlement proposal, the Board will render its decision and establish any further steps to be taken in this application.

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 scheduled for **February 16, 18 and 19, 2010** is cancelled.

2. Any Settlement Proposal arising from the Settlement Conference conducted on February 4 and 5, 2010 shall be filed with the Board by **February 26, 2010**. The Settlement Proposal should contain a list of any unsettled issues, identifying those issues that the parties believe should be dealt with by way of written submissions or oral hearing.

All filings to the Board must quote the file number, EB-2009-0261, 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, February 10, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary