



**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. 5**

Oakville Hydro Electricity Distribution Inc. (“Oakville Hydro” or “Applicant”) 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 24 and 25, 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 born 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 born by Oakville Hydro's shareholder.

In Procedural Order No. 4, issued January 8, 2010, the Board did not grant the requested adjournment. However, the Board cancelled the scheduled settlement conference and oral hearing events outlined in Procedural Order No.3 and directed that the updated information be filed by February 18, 2010. On the basis of the information

being filed by the above date, the Board noted that it may establish an additional discovery phase for the new information and suggested new dates for the settlement conference and oral hearing, and on the assumption that additional notice will not be required. The Board stated that it will determine the need for additional notice following its review of the new information. The Board also stated that it is open to intervenors to raise the issue of regulatory costs as part of the hearing. The Board further stated that it 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.

On February 18, 2010, the Applicant filed updated evidence and made certain corrections to its original evidence as a result of the interrogatory process.

Having considered the new information and the changes to the original evidence, the Board determined that no new notice is required and considers it necessary to make provision for the following matters related to this proceeding.

**THE BOARD ORDERS THAT:**

1. Board staff and intervenors shall request information and material from Oakville Hydro that is relevant to the hearing, by written supplemental interrogatories filed with the Board and delivered to Oakville Hydro and all intervenors on or before **March 15, 2010**. Where possible, the questions should specifically reference the evidence on the record or the original interrogatory to which each supplemental interrogatory pertains.
2. Oakville Hydro shall file with the Board complete responses to all supplemental interrogatories and deliver them to the intervenors no later than **March 29, 2010**.
3. A Settlement Conference will be convened on **April 6, 2010**, starting at 9:30 a.m. and, if needed, may continue until **April 7, 2010**. The Settlement Conference will be held at 2300 Yonge Street, 25<sup>th</sup> floor, Toronto in the Board's ADR room.
4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board by **April 19, 2010**. The Settlement Proposal should contain a list of any unsettled issues, identifying those issues that the parties believe must be dealt with by way of oral hearing.

5. Any Settlement Proposal will be reviewed by the Board on **April 29, 2010** at 9:30a.m. at 2300 Yonge Street, Toronto in the Board's North hearing room on the 25<sup>th</sup> Floor.
6. An oral hearing will be convened on **April 29, 2010** at 1:00p.m. and continue on **April 30, 2010** at 9:30a.m. if necessary. The hearing will be held at 2300 Yonge Street, Toronto in the Board's North hearing room on the 25<sup>th</sup> Floor.

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](http://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](http://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](mailto:Boardsec@oeb.gov.on.ca)  
Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**DATED** at Toronto, February 25, 2010  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary