



EB-2009-0425

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 Hydro One Networks Inc. for an Order granting leave to construct the Toronto Midtown Transmission Reinforcement Project.

PROCEDURAL ORDER NO. 2

An application dated December 23, 2009 (the "Application") was filed by Hydro One Networks Inc. (the "Applicant") with the Ontario Energy Board (the "Board") under section 92(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B, seeking an Order of the Board granting leave to construct transmission facilities. The Application was assigned Board File No. EB-2009-0425.

The Applicant is seeking leave to construct transmission facilities for the Toronto Midtown Transmission Reinforcement Project ("Midtown Project"). The Board issued a Notice of Application and Written Hearing on January 28, 2010.

On February 23, 2010, the Board issued Procedural Order No.1, which established the standing list of intervenors and observers, and associated cost eligibility. Procedural Order No. 1 also directed: intervenors requiring more information from the applicant to submit interrogatories by March 10, 2010; that Hydro One file with the Board and deliver complete responses to each of the interrogatories no later than March 19, 2010 and that Board staff and intervenors advise the Board by March 23 if they intend to submit evidence.

On March 4, 2010, the North Rosedale Ratepayers Association (“NRRA”) requested an extension for submission of Interrogatories largely in order that it can examine the Environmental Study Report before submitting its interrogatories. According to NRRA this report was to be made public on March 8. On March 8, 2010, Hydro One sent a letter to the Board indicating that it does not object in principle to the extension of the deadline; but expressed the desire to keep the project schedule on track. The Board will grant a 10-day extension to the NRRA to submit their interrogatories. The Board will also extend the date by which all parties shall indicate their intent to submit evidence.

Given the impetus of NRRA’s request, the Board considers it prudent to provide the following guidance to the Parties. The Board’s review of this matter is conducted in order to consider the interests of consumers with respect to prices and the reliability and quality of electricity service and where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources. Parties should be mindful of the scope of the Board’s mandate when contributing to the record that the Board will rely on in making its determination.

On March 5, 2010, Energy Probe Research Foundation (“Energy Probe”) filed a late Notice of Intervention with the Board, including a request for cost eligibility. The Board approves Energy Probe’s application and cost eligibility on the basis that Energy Probe accepts the record as it stands, including no extension to the dates listed in Procedural Order No. 1, which requires that Energy Probe interrogatories be submitted by March 10, 2010.

The Board considers it necessary to make provision for the following items related to the Application. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. The Rosedale Ratepayers Association shall file written interrogatories with the Board and deliver these to the Applicant, on or before **Friday, March 19, 2010**. All other intervenors, including Energy Probe, are still required to submit interrogatories on the original date of March 10, 2010.
2. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is

based.

3. The Applicant shall file with the Board and deliver to the North Rosedale Ratepayers Association, Hydro One's response, by **Wednesday, 24 March, 2010**. Responses to all other intervenor interrogatories are still to be provided no later than the original date of Friday, March 19, 2010.
4. If Board staff and intervenors wish to submit evidence they should advise the Board of that intent no later than Friday **March 26, 2010**.

All filings to the Board noted in this Procedural Order must be in the form of 2 hard copies and must be received by the Board by 4:45 p.m. on the stated dates. An electronic copy of the filing must also be provided. If you already have a user ID, the electronic copy of your filing should be submitted through the Board's web portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on how to submit and naming conventions, please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. If the Board's web portal is not available, the electronic copy of your filing may be submitted by e-mail at Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit the electronic copy of their filing on a CD or diskette in PDF format.

ISSUED at Toronto on March 10, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary