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November 5, 2007

BY COURIER AND ELECTRONIC FILING

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: EB-2007-0771 - Preliminary Issues Proceeding
- Milton Hydro's Submission**

Please find attached Milton Hydro's submission on the preliminary issues the Board identified.

Yours sincerely,

A handwritten signature in cursive script that reads "Tom Brett".

Tom Brett
TB:jc
cc. Intervenor

TOR_LAW\6724967\1

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c.15 (Sched. B);

AND IN THE MATTER OF an application by Milton
Hydro Distribution Inc. for an Order or Orders approving
and fixing just and reasonable distribution rates and other
charges effective May 1, 2006;

AND IN THE MATTER OF a Notice of Motion by
Milton Hydro Distribution Inc. seeking an Order Varying
the Decision and Order of the Board in RP-2005-0020 /
EB-2005-0391;

AND IN THE MATTER OF Rules 42, 44.01 and 45.01 of
the Board's *Rules of Practice and Procedure*.

**SUBMISSION OF MILTON HYDRO
DISTRIBUTION INC. ("MILTON HYDRO")**

I. Late Filing of the Motion

Section 42.03 of the Board's *Rules of Practice and Procedure* ("Rules") states that a party must bring a motion to review and vary a decision or order within 20 calendar days of the order or the decision. Section 7.01 of the Rules allows the Board on its own motion, or upon a motion by a party, to extend a time limit directed by the Rules on such condition as the Board considers appropriate. More broadly, section 1.03 of the Rules states:

"The Board may dispense with, amend, vary or supplement, with or without a hearing, all or part of any Rule at any time, if it is satisfied that the circumstances of the proceeding so require, or it is in the public interest to do so."

In a similar vein, section 2.01 of the Rules states:

"These Rules shall be liberally construed in the public interest to secure the most just, expeditious, and efficient determination on the merits of every proceeding before the Board."

Milton Hydro requests that, to the extent necessary, the Board should consider this submission as a motion to extend the time limit under section 42.03 of the Rules. Milton Hydro urges the Board to exercise its discretion and agree to grant the motion at this time for the following reasons:

1. Milton Hydro did not have the resources to prepare two review motions in 20 days. The Board's decision on April 12, 2006 in RP-2005-0020/EB-2005-0391 (the 2006 rates case) disallowed recovery of bankruptcy-induced and restructuring-induced losses, which are the subject of this proceeding, and parts of Milton Hydro's CDM request. Given the short time period available to file the application for review, and the procedural history of Milton Hydro's efforts up to that time to recover the former amounts (see Appendix A to this submission), and the unequivocal language of the Board decision, Milton Hydro opted to focus on the CDM-related review. It was, as it happens, successful in that application. Milton Hydro was therefore late, in the first instance because it was a small utility with insufficient resources to "fight two battles at once", and it was discouraged by the rather harsh language of the Board decision on the bankruptcy and restructuring losses. At that stage, Milton Hydro believed that being out of time was an absolute bar, and it had no further recourse.

A few months later, in the course of discussions on another matter, Board staff questioned why Milton Hydro did not file a motion for a review of that part of the Board's decision dealing with the bankruptcy and the restructuring-induced losses. Board staff explained that the Board might well consider the request if Milton had a good reason why it did not meet the 20-day time limit. Milton Hydro therefore included a request for the Board to review its April 12, 2006 decision in its 2007 rates case, which it filed on January 27, 2007. In early February 2007, in discussions with Board staff on its rates submission, Board staff suggested that the request to review the April 12, 2006 decision be removed from the rates submission, that Milton Hydro should submit a separate motion to review, and that if Milton Hydro had a good reason for being outside the time limit set out in the Rules, the Board might entertain it.

Milton Hydro removed the reference to a review of the April 12, 2006 decision from its rates submission, and filed a revised submission on February 8, 2007, which was approved by the Board on April 12, 2007.

May 2, 2007 marked the commencement of the smart meter cost recovery combined proceeding for “earlier adopters”, including Milton Hydro (EB-2007-0063). Milton Hydro’s executive and its counsel were fully engaged in that proceeding. Once the smart meter case had concluded, Milton Hydro and its counsel prepared and filed the Motion to Review on September 13, 2007.

2. Since the losses, which occurred in 2002 (bankruptcy) and 2003 (restructuring) respectively, Milton Hydro has tried on many occasions to bring the matter before the Board, culminating in it including the request in a motion in late 2005, after obtaining the approval of the Ministry of Energy. The Board rolled the 2005 motion into Milton Hydro’s 2006 rates case. These efforts are detailed in the chronology set out in Appendix A. As noted there, and in Mr. Thorne’s affidavit (the “Affidavit”) attached to Milton Hydro’s motion, Milton Hydro tried continuously to engage the Board on this issue, commencing with its 2002 rates submission in respect of the bankruptcy-induced loss incurred in early 2002. Milton Hydro respectfully suggest it should be credited with trying to raise this matter over a lengthy period. The procedural history has been, for want of a better word, very complicated. It is summarized in Appendix A. It should help the Board and parties to understand and assess Milton Hydro’s motion.
3. A third reason for the late filing was the unrelenting pressure and cumulative workload placed on the LDCs by the number and complexity of Board proceedings critical to the LDCs business, which have been underway in 2006 and 2007. In 2007 alone, the list includes:
 - (a) A new policy on cost of capital for LDCs including both capital structure (affects cost of capital and Payments in Lieu of Taxes (PILs)) and the formula for

determining returns on equity, and the use of and allowed interest rates on debt, issued in February 2007 (EB-2006-0088).

- (b) A Report of the Board on the regulatory treatment of Conservation Demand Management (CDM) programs, both LDC and Ontario Power Authority (OPA)-sponsored, issued on March 2, 2007 (EB-2006-0266), and a more recent policy paper issued on July 27, 2007 (EB-2007-0097) on regulatory barriers to conservation and demand management. The Board approved, with some modifications, Toronto Hydro's CDM plan for 2007, on September 11, 2007 (EB-2007-0096).
- (c) A Board Staff Discussion Paper dated March 30, 2007 to initiate the consultation process in relation to the electricity distribution rate design review (EB-2007-0031).
- (d) A report on comparators and cohorts entitled "Benchmarking the Costs of Ontario Power Distributors" (EB-2006-0268) dated April 25, 2007.
- (e) A Board Staff Discussion Paper dated June 4, 2007, on potential changes to the customer risk management option available to LDCs (EB-2007-0635).
- (f) A consultation paper on proposed changes to the Affiliate Relationships Code, issued on June 15, 2007 (EB-2007-0662).
- (g) A discussion paper and contracted research report on July 13, 2007, on distributed generation (EB-2007-0630).
- (h) A Board Report dated July 23, 2007 (EB-2007-0028) on Rate Making Associated with Distributors Consolidation, which sets out the Board's policy on key rate-making issues that may be associated with consolidation in the electricity distribution sector.

- (i) A decision dated August 8, 2007 on the smart meters proposal for early adopters, which has set the regulatory framework for smart meter programs (EB-2007-0063).
- (j) Work on a third generation incentive rate-making plan has started with the issuance of the Board's Discussion Paper on August 2, 2007 (EB-2007-0673).

While not every LDC needs to participate actively in each of these initiatives, they must be aware of them, digest them, discuss them with their board of directors and generally become engaged. Moreover, in some areas such as CDM, TOU rates, and smart meters, Milton Hydro has been an innovator and leader among LDCs, and has generally devoted considerable time and effort to work on government taskforces and regulatory working groups.

- 4. Fourth, there are precedents for the Board's acceptance of a motion to review outside the 20-day period. For example, in its September 11, 2007 decision on Toronto Hydro's CDM application (RP-2004-0203, EB-2004-0485, EB-2006-0145), the Board permitted Toronto Hydro to characterize its application as a motion to vary the decision on its original CDM plan, approved by the Board in its decision of December 10, 2004. The Board suggested it would hear the "late" motion (late by about 18 months) since the application dealt with an extension of Toronto Hydro's original CDM plan. This case demonstrates that the Board has exercised its discretion to entertain motions to review some considerable time after the original decision.

II. The Threshold Question

Errors of Fact or law

As the Board noted in its Notice of Hearing and Procedural Order No. 1 (p. 3), the Board discussed the threshold issue at some length in its decision in EB-2006-0322, EB-2006-0338, and EB-2006-034, Motion to Review the Natural Gas Electricity Interface Review Decision on

May 22, 2007. The Board interpreted section 44.01 of the Rules broadly, as giving a list of examples of grounds for review, not an exclusive list, for several reasons:

- “it is the usual interpretation of the phrase;
- it is consistent with section 2 of the SPPA which requires a liberal interpretation of the Rules;
- it is consistent with Rule 1.03 of the Board's rules which allows the Board to amend, vary or supplement the rules in an appropriate case; and
- if the SPPA had intended to require that the power to review be restricted to specific grounds it would have required the rules to include those grounds and would have required the use of the word “shall”.” (p. 14)

The Board also pointedly noted that mixed errors of law and fact should be grounds for review by the Board because, if they were not, “errors of mixed fact and law could not be effectively reviewed or appealed by any body” (p. 15). As the Board is well aware, many “errors” are mixed law and fact.

In Milton Hydro's view, the Board erred, in fact and law, or both, in its refusal to grant Milton Hydro relief. The passages in question in the Board's decision are set out at pages 9 and 10 of the Affidavit. Milton Hydro suggests that this error is clearly identifiable on the face of the record, is material, and is relevant to the outcome of the 2006 rates decision.

- (i) More particularly, the Board erred in fact when it found “the amounts being sought to be out of period” and that “the Applicant's request would have been out of period even if their application in 2002 or subsequent application because of the Minister's leave, had been considered by the Board”. (Affidavit, p 9). As indicated on page 1 of Appendix A, and in paragraph 1 of the Submissions in Milton Hydro's Motion to Review, Milton Hydro did not know the extent of its bankruptcy loss until its customer, Consumers Packaging Inc. (“CPI”), filed for bankruptcy on April 30, 2002, long after its 2002 rates case was filed on February 11, 2002. Even then, the amounts were subject to recoveries and audit. Actual

payments from the trustee to Milton Hydro occurred in December 2002, December 2003, and July 2004. Notwithstanding the uncertainty, Milton Hydro did raise the issue in its 2002 rates submission, and advised the Board that it would file for recovery of the loss in its 2003 rates submission, once the amount of the loss had been audited.

In effect, Milton Hydro filed for a Deferral Account treatment of the losses in the year in which the loss occurred, which was 2002. The loss did not crystallize until the company declared bankruptcy.

- (ii) The Board erred in fact and law when it stated that “This request by the Applicant is unusual and there is a high onus on the Applicant to demonstrate why it is appropriate to recover the out of period amounts.” (Affidavit, p. 9). Even if the amounts were out of period, and Milton Hydro suggests they are not, the onus that Milton Hydro must meet is the same onus the applicant must meet for all aspects of its rate case -- no more, no less.
- (iii) The Board erred in fact and law when it stated that “Agreeing to the Applicant’s request would constitute retroactive ratemaking, a practice not endorsed by the Board.” (Affidavit, p. 9)

The Applicant is of the view that acceding to Milton Hydro’s request is not retroactive ratemaking. (Submission, pp. 1-3)

- (iv) The Board erred in law, and in fact when it stated:

“However, the Board reminds Milton Hydro that electricity distribution companies have their rates set based on a number of cost factors including the compensation for business risk. Even though there is no explicit risk premium associated with the commodity element, the overall premium is sufficient to provide adequate compensation to Milton’s shareholders. In making this finding, the Board has concluded that failure to recover the requested amount will not cause unmanageable financial hardship to the Applicant”. (Affidavit, p. 9) (*our emphasis*)

The Applicant’s motion demonstrates that the bad debt allowance pro-rated

covered only about 1% of Milton Hydro's bankruptcy-induced loss, which is not adequate compensation.

When the Board stated that since the loss in question will not cause "unmanageable financial hardship" to Milton Hydro, it was saying that its denial of relief to Milton Hydro was based, in part at least, on the fact that Milton Hydro is a well-run, financially healthy, utility. That is not a factor the regulator may take into account in setting just and reasonable rates – except in some truly abnormal circumstance, where the life of the utility is at stake. Employing a financial needs test is not an accepted practice in ratemaking by public utility regulators. Rates should be based on ratemaking principles.

- (v) The Board made the same errors stated in (i) through (iv) above in refusing to allow Milton Hydro's claim for its restructuring-induced loss (Affidavit, p. 10). The Board made a further error of fact and reasoning when it stated as follows:

"The loss Milton is proposing to recover relates to the two year loss of revenue associated with the reduction in operations of a large customer in a prior period. The revenue impact for 2004 is already reflected in Milton's overall revenue requirement request for 2006 rates. The impact in 2005 is similar to that of 2004. Therefore, there is no ongoing revenue loss associated with this large volume customer." (Affidavit, p. 10)

The fact that there is no ongoing revenue loss from May 1, 2006 onwards (the loss was reflected in the 2006 rates) has no logical connection with the fact that a 2-year loss of revenue was incurred by Milton Hydro. It cannot be used as a reason for arriving at a just and reasonable rate.

- (vi) When juxtaposed against the decision of the Board in EB-2004-0527, Oakville Hydro, the Board's refusal to grant Milton Hydro relief was discriminatory, and did not produce just and reasonable rates. The Board cannot reach diametrically opposite decisions from almost identical fact situations, with respect to the restructuring-induced losses.

The Board erred in law by treating the two cases in an inconsistent manner (Affidavit, pp. 8-9).

- (vii) Both the bankruptcy-induced loss and the restructuring-induced loss were material. They amounted to \$252,913 and \$350,713 respectively (Appendix B, Sheet 3 and Appendix C Sheet 3 to the Motion, respectively), and exceeded the materiality threshold in the years the losses were incurred (\$11,371 and \$12,815) by orders of magnitude (Affidavit, pp. 5 and 7). The second amount alone amounted to 1.5% of Milton Hydro's revenue requirement in 2004. This error, being material, was relevant to the outcome of the 2006 decision in that it decreases the revenue requirement by a significant amount. If the reviewing panel agreed with the Motion it would in effect change the 2006 decision by adding a rate rider to the 2008 rates effective May 1, 2008, for a 12-month period (see Appendix D to Motion).

Inconsistency with Filed Evidence. The Board's finding that the claim was for out of period costs was inconsistent with the evidence filed in the case, which stated, inter alia, "that the bankruptcy was not declared until April 30, 2002" (Manager's Summary to Milton Hydro's 2006 rate filing, par. 2.2).

Change in Circumstance. On June 4, 2007, the Board launched a proceeding (EB-2007-0635) by way of a Board Staff Discussion Paper entitled *Electricity Distributors and the Management of Customer Commodity Payment Default Risk*. The paper acknowledges that the current treatment of commodity loss is a serious issue in the view of utilities and others. Given that over 85% of Milton Hydro's bankruptcy-induced loss was on the commodity, it is likely, although not certain, that had the proceeding been held prior to the 2006 Rates proceeding, the Board would have taken a different view at least in respect of that part of the total loss that was commodity related.

III. The Impact of the Fact That the 2006 Rates Decision has been Superseded by the 2007 Rates Decision

Milton Hydro is applying for relief in the form of a rate rider to its 2008 rates, which would last for 12 months and would recover the losses over that period. These amounts were not included in the 2006 rates, nor in the 2007 rates. So, the fact that the 2006 rates are no longer in effect is not relevant to the issue of whether or not the Board should entertain the motion to review. The substance of the matter is that Milton Hydro claims the Board made an error(s) in its April 12, 2006 Decision, and wishes to have that error corrected.

Milton Hydro Distribution Inc.
Motion to Review the Decision and Order of the Board dated April 12, 2006
RP-2005-0020/EB-2005-0391/EB-2007-0771

Wednesday, May 23, 2001	New Release dated May 23, 2001	Consumers Packaging (Anchor Glass) sought protection under the CCAA
Wednesday, May 23, 2001	Milton Hydro	Account # 390-112310-01 (electricity) finalised - total outstanding \$209,255.61
Friday, August 03, 2001	Press Release dated August 3, 2001	Owens-Illinois (OI) announced that it had entered into an agreement to acquire all assets of Consumers Packaging in Toronto
Friday, October 05, 2001	Letter from KPMG - Notice to Vendors and Supplier to Consumers Packaging Inc.	KPMG announced that effective October 1, 2001, O-I Canada Corp. has assumed certain assets of operations formally held by Consumers Packaging
Thursday, December 06, 2001	Letter from OEB to All Licensed Distributors and Retailers	<i>"In the proposed Ontario Electricity market distributors have the responsibility for facilitating the operation of the market as the wholesale supplier to all non-IMO market participants within their service areas ... However, it is not intended that the distributor take on business risk related to the commodity costs because this would affect the distributor's neutrality with respect to consumers' choice of suppliers. In the new market, distributors are delivery companies and earn returns on the business of delivering energy. The Board has not allowed for a return on the commodity portion of a distributor's costs to maintain the distributor's indifference to the choice of a supplier by consumers."</i>
Monday, February 11, 2002	Milton Hydro	Milton Hydro files its rate submission for rates effective March 1, 2002 outlining the bad debt expense related to Consumers Packaging. The Manager's Summary says, <i>"included in this summary is a Deferred Costs Recovery section for the Board's information and consideration. Permanent and on-time costs that have been identified to-date are discussed and, subject to audit assurance, would be included in our 2003 rate adjustment submission. One of the reasons that Milton Hydro is taking this approach is to mitigate rate increases in this submission."</i>
Monday, March 04, 2002	Letter from KPMG - To Unsecured Credits of Consumers Packaging Inc.	KPMG announces that <i>"A bankruptcy of CPI will facilitate the claims process as the BIA provides a structured approach for issuing dividendswe continue to anticipate a cash dividend distribution in the order of 7 cents on the claim dollar ."</i>
Tuesday, April 30, 2002	Consumers Packaging Inc. (CPI)	CPI filed an assignment in bankruptcy for the benefit of its creditors on April 30, 2002
Friday, November 01, 2002	Provincial Government	Provincial Government implements the Electricity Action Plan capping electricity distribution service charges.
Friday, December 20, 2002	Letter from KPMG - To Unsecured Credits of Consumers Packaging Inc.	KPMG announcing first interim dividend - 3.5% of accepted claim (Milton Hydro's share \$7,305.64)
Monday, December 15, 2003	Letter from KPMG - To Unsecured Credits of Consumers Packaging Inc.	KPMG announcing second interim dividend - 1.5% of accepted claim (Milton Hydro's share \$2,851.71)
Friday, January 23, 2004	Milton Hydro	Milton Hydro files its Application for the Recovery of Regulatory Assets for the April 1, 2004 Distribution Rate Adjustments; Milton Hydro includes in its Manager's Summary, a request to recover Account 1572, Extraordinary Event Losses which includes the bad debt expense related to Consumers Packaging Inc.

March, 2004	OEB Staff	OEB Staff advise Milton Hydro to file their 2004 rates pursuant to the filing instructions and to defer the claim for the bad debt to a future rate submission
Thursday, March 11, 2004	Milton Hydro	Milton Hydro re-submits its Application for the Recovery of Regulatory Assets for the April 1, 2004 Distribution Rate Adjustments; Milton Hydro includes in its Manager's Summary, <i>"Although Milton Hydro seeks to claim the net loss as an Extraordinary Event Loss, on the Recommendation of Board staff, it will defer this claim until the 2005 rate submission."</i>
Thursday, April 01, 2004	Milton Hydro	Milton Hydro <i>"seeks approval from the Minister of Energy on two matters: a reduction to our Total Loss Factor for all classes of customers And approval to recover an Extraordinary Event Loss in a future rate submission."</i>
Friday, July 23, 2004	Letter from KPMG - To Unsecured Credits of Consumers Packaging Inc.	KPMG announcing third interim dividend - 1.0% of accepted claim (Milton Hydro's share \$2,087.33)
Tuesday, November 09, 2004	Minister of Energy (Dwight Duncan)	The Minister responds, <i>"After assessing your request within the context of the government's policy of consumer protection with respect to prices and electricity service, I am pleased to grant my permission to proceed to the OEB with an application for an adjustment in distribution rates to address changes in your total loss factor and loss related to an extraordinary event."</i>
Tuesday, November 30, 2004	Oakville Hydro	Oakville Hydro files an application for a distribution rate adjustment to reflect the significant reduction in the Large Use customers demand and corresponding loss of revenues derived from this Large Use customer's consumption.
Thursday, January 13, 2005	Milton Hydro	Milton Hydro files its 2005 Distribution Rate application for rates effective March 1, 2005. Milton Hydro Manager's Summary says, <i>"Also included in Milton Hydro's submission is a provision to recover extra-ordinary event losses relating to a single large customer who filed for bankruptcy and the loss of load associated with a single large customer > 1000 kW class"</i>
Tuesday, February 15, 2005	School Energy Coalition	School Energy Coalition files a Notice of Intervention and Submission. Paragraph 74 says <i>"Milton Hydro has proposed three non-standard adjustment to their rates. The first, relating to a bankruptcy of a major customer and the third, relating to an adjustment in their loss factor are brought to you with the consent of the Minister. It would appear to us that these adjustments are reasonable in the circumstances, and should be permitted."</i> Section 75 says, <i>"Milton Has also asked for further non-standard adjustment to reflect a revenue reduction in 2004 and 2005 ...it is not realistic to single out the loss of load from one customer for adjustment, without taking the other revenue impacts into account ... therefore ... should not be permitted."</i>
Wednesday, February 23, 2005	Milton Hydro	Milton Hydro files a response to the School Energy Coalition's Notice of Intervention.
Tuesday, March 29, 2005	OEB	The Board issues its Decision and Order and indicates that distributors should follow the 2005 filing guidelines. The decision says, <i>"...the Board has put in place a process which will address most of the issues raised by SEC on a comprehensive basis with coordinated cost of service, cost allocation and cost of capital studies for all distributors in 2006, 2007, and 2008. The Board does not agree that unless there are compelling reasons to diverge from the Board's original filing guidelines for the 2005 distribution rate adjustment process, distributors should follow the guidelines in their applications."</i>
Wednesday, May 11, 2005	OEB	OEB issues Amended Reasons for Decision pertaining to Oakville Hydro's application dated November 30, 2004 - the Board's Decision says, <i>"The Board accepts the relief sought and the proposed adjustment to rates as a practical solution."</i> (interesting arguments included in the Board's Decision re: material beyond the control of the utility and beyond a reasonable level of business loss, appropriateness to spread the reasonability for revenue recovery over the larger customer based to avoid an unreasonable rate increase to any individual customer)
July, 2005	OEB Staff	OEB Staff recommend filing a separate supplemental rate application for recovery of loss due to bankruptcy and loss of revenue claim.
Tuesday, August 02, 2005	Milton Hydro	Milton Hydro submits its application for 2006 Distribution Rates effective May 1, 2006 filed in accordance to filing instructions.
Tuesday, October 18, 2005	Milton Hydro	As per the advice of OEB Staff, Milton Hydro filed a separate supplemental Rate Application for rates effective May 1, 2006 for recovery of loss due to bankruptcy and loss of revenue due to loss of load of large customer.

Wednesday, April 12, 2006	OEB	OEB issues Decision and Order for rates effective May 1, 2006. The Board " <i>does not authorize the recovery of the bad debt because the Board views the amounts being sought to be out of period .</i> " The Board " <i>will not authorize the recovery of this (loss of load) because the request by the Applicant is unusual and there is a high onus on the Applicant to demonstrate why it is appropriate to recover the out of period amounts.</i> "
Tuesday, May 02, 2006	Milton Hydro	Milton Hydro files a Notice of Motion to request the Board to review part of its final Decision and Order dated April 12, 2006 relating to the recovery of \$300,750 in distribution rates to be invested in Conservation and Demand Management activities.
Wednesday, July 05, 2006	OEB	The Board issues its Decision on Motion authorizing the establishment of the deferral account requested by Milton Hydro to record the proposed new CDM spending.
Fall, 2006	OEB Staff	OEB staff question why Milton Hydro did not file a Notice of Motion with respect to the recovery of the bankruptcy and loss of load of the large customer.
Thursday, January 25, 2007	Milton Hydro	Milton Hydro submits its application for 2007 Distribution Rates effective May 1, 2007 filed in accordance to filing instructions. Milton Hydro's Manager's Summary asks " <i>the Board to reconsider its Decision and Order of April 12, 2006 relating to the Revenue loss from the reduction in consumption from a Large Volume Customer. Please note that Milton Hydro will also be providing comments under separate cover requesting further consideration concerning this same Decision and Order of the Board regarding the Bankruptcy of a Large Volume Customer.</i> "
Early February, 2007	OEB Staff	OEB staff suggest that Milton Hydro remove the reference to the loss of load in filing of January 25, 2007 suggesting if there is good reason why Milton Hydro could not meet the 20 day timeline, that the Board may consider the request but the better approach would be a separate Notice of Motion
Thursday, February 08, 2007	Milton Hydro	Milton Hydro re-submits its application for 2007 Distribution Rates effective May 1, 2007 filed in accordance to filing instructions. Milton Hydro is advised by OEB staff to remove any items that do not fall within the filing instructions.
Thursday, April 12, 2007	OEB	The Board issues its Decision and Order for rates effective May 1, 2007.
Wednesday, May 02, 2007	OEB	The Board issued a Notice of Combined Proceeding on Smart Metering indicating that as one of the 13 distributors, Milton Hydro would be required to participate in the combined proceeding.
Friday, May 18, 2007	OEB	The Board issued Procedural Order #1 relating to the Combined Proceeding on Smart Metering would commence with an issues session beginning May 30 & 31
Friday, June 01, 2007	OEB	The Board heard submissions from the parties on contested issues and proposed minimum filing requirements for the Combined Proceeding on Smart Metering.
Monday, June 04, 2007	OEB	The OEB Staff issued a Discussion Paper on Electricity Distributors and Management of Customer Commodity Payment Default Risk
Tuesday, June 05, 2007	OEB	The Board issued Procedural Order No. 3 which set out the final Issues List, the Minimum Filing Requirements and the Exhibit List.
Tuesday, June 12, 2007	Milton Hydro	Milton Hydro filed its evidence relating to the Combined Proceeding for Smart Metering EB-2007-0063
Friday, June 22, 2007	Milton Hydro	Milton Hydro filed revised evidence relating to the Combined Proceeding for Smart Metering EB-2007-0063
Tuesday, June 26, 2007	Milton Hydro	Milton Hydro attended oral hearing relating to the Combined Proceeding for Smart Metering EB-2007-0063
Friday, July 13, 2007	Milton Hydro	Milton Hydro filed its Reply Argument relating to the Combined Proceeding for Smart Metering EB-2007-0063
Wednesday, August 08, 2007	OEB	The Board issued its Decision with Reasons in the matter of a Combined Proceeding for Smart Metering EB-2007-0063
Thursday, September 13, 2007	Milton Hydro	Milton Hydro files a Notice of Motion to vary the Board decision (April 12, 2006) to allow Milton Hydro to recover the lost revenues.
Monday, October 29, 2007	OEB	The Board issued a Notice of Hearing and Procedural Order No. 1 relating to Milton Hydro's Notice of Motion seeking a review of that part of the 2006 Rates Decision in which the Board denied the recovery of lost revenues