



EB-2009-0408

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.

PROCEDURAL ORDER NO. 5

Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission LP ("GLPT" or the "applicant") filed an application with the Ontario Energy Board (the "Board") on November 30, 2009 under section 78 of the Ontario Energy Board Act, 1998, S.O. 1998 c.15, (Schedule B) seeking approval for changes to the uniform provincial transmission rates 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 also filed an application with the Board on November 27, 2009 requesting that a deferral account be granted for the purposes of recording expenditures relating to renewable energy projects and required transmission system planning arising from the Green Energy and Green Economy Act, 2009. The Board has assigned Board file number EB-2009-0409 to this deferral account application.

The Board issued a Notice of Applications and Combined Hearing dated December 31, 2009 for both applications.

On January 29, 2010 the Board issued Procedural Order No. 1 and Interim Rate Decision, which included a schedule for procedural steps for the rate application (the "Procedural Schedule").

According to the Procedural Schedule, the applicant filed its interrogatory responses on March 3, 2010 accompanied by a request for confidential treatment

of certain information included in GLPT's response to two Board staff interrogatories (the "Requested Confidential Information").

To deal with GLPT's Requested Confidential Information, on March 10, 2010 the Board issued Procedural Order No. 2, designating the Requested Confidential Information as confidential, on an interim basis, provided access for counsel for intervenors to the Requested Confidential Information after signing the Board's Declaration and Undertaking, and set out a schedule for submissions on the issue of confidentiality. The Board subsequently issued a Decision and Order on March 31, 2010, in which it ordered that the Requested Confidential Information would remain confidential.

The Board issued Procedural Order No. 3 on March 18, 2010 to allow parties an opportunity to file supplemental interrogatories to address responses which are unclear or which require further explanation. The Board also made provision for a technical conference, to be held on April 14, 2010.

The applicant filed its supplementary interrogatory responses on April 9, 2010 accompanied by a request for confidential treatment of the following information (the "Additional Requested Confidential Information"):

- all appendices referred to in GLPT's response to Board staff supplemental interrogatories 17 (i) (Attachment "A") and (iii) (Attachment "B"); and
- a portion of GLPT's response to SEC supplemental Interrogatory 6(b) (Attachment "C").

On April 15, 2010 the Board issued Procedural Order No. 4 designating as confidential, on an interim basis, the information and documents referenced in GLPT's request to the Board in its letter of April 9, 2010 (the "Additional Requested Confidential Information"). As an interim measure, counsel for intervenors who wish to have access to the Additional Requested Confidential Information may receive it after signing the Board's Declaration and Undertaking (which can be found at Appendix D of the Practice Direction) and filing it with the Board. The Board will issue its Decision and Order on confidentiality of the Additional Requested Confidential Information, following any submissions by intervenors and the Applicant response by April 23, 2010.

The Technical Conference was held as planned on April 14, 2010. Undertakings listed in the Transcript are expected to be filed with the Board and delivered to all

intervenor of record by Friday, April 23, 2010. The Board has decided to make provision for a Settlement Conference and an oral hearing.

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

THE BOARD ORDERS THAT:

1. The Applicant shall file with the Board the responses to all the Undertakings, listed in the Transcript of the Technical Conference held on April 14, 2010, and deliver same to intervenors no later than **Friday, April 23, 2010**.
2. A Settlement Conference will be held on **Monday, May 3, 2010** at 9:30 a.m. and continuing, if necessary, on **Tuesday, May 4, 2010** at 9:30 a.m. at 2300 Yonge Street, 25th Floor, Toronto in the Board's North Hearing Room.
3. The Board will receive the Proposed Settlement Agreement, if any, negotiated among the parties on **Monday, May 17, 2010** at 9:30 a.m. at 2300 Yonge Street, 25th Floor, Toronto in the Board's North Hearing Room.
4. The oral hearing of the evidence will begin on **Friday, May 21, 2010** at 9:30 a.m. at 2300 Yonge Street, 25th Floor, Toronto in the Board's North Hearing Room, and could continue for approximately **5** days.

DATED at Toronto on April 16, 2010
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary