



EB-2009-0387

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 Five Nations
Energy Inc. for an Order or Orders pursuant to section 78 of
the *Ontario Energy Board Act, 1998* for 2010 transmission
rates and related matters.

PROCEDURAL ORDER NO. 1 AND INTERIM RATE DECISION

Five Nations Energy Inc. ("FNEI") filed an Application, dated February 26, 2010, with the Ontario Energy Board (the "Board") under section 78 of the *Ontario Energy Board Act, 1998*, S.O. c.15, (Schedule B). The Board has assigned file number EB-2009-0387 to the Application.

The Board issued a Notice of Application dated March 24, 2010. The Independent Electricity System Operator (the "IESO"), and Energy Probe Research Foundation ("Energy Probe") applied for intervenor status. Only Energy Probe applied for cost eligibility. FNEI did not object to the intervention requests or the request for cost eligibility.

The Board has determined that the IESO and Energy Probe will be granted intervenor status. The Board has also determined that Energy Probe will be eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*. A list of intervenors in this proceeding is attached as Appendix A to this Order.

Interim Rate Determination

FNEI requested that its current rates be made interim as of January 1, 2010, and that it be allowed to establish a deferral account to record the revenue deficiency incurred from January 1, 2010 until the proposed rates are implemented.

The Board notes that FNEI's application was filed on February 26, 2010 and does not believe it is appropriate to make FNEI's rates interim prior to the filing date of the application. The Board has therefore determined that the current Uniform Transmission Rates as they relate to FNEI will be made interim as of March 1, 2010, to coincide with the filing date of FNEI's rate application. The effective date of any new rates resulting from the decision in this case will be considered later in this proceeding. The Board does not believe it is necessary to establish a deferral account at this time.

In declaring FNEI's rates interim, the Board emphasizes that this interim decision should not be construed as predictive, in any way whatsoever, of the final determination of this application with regard to the effective date.

The Board has decided to make provision at this time for written interrogatories. After its review of the responses, the Board will determine the next steps including whether provision should be made for additional interrogatories, a technical conference, or a settlement conference, after which the Board will determine whether to conduct an oral hearing or to make provision for written final submissions.

The Board considers it necessary to make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff shall request information and material from FNEI that is in addition to FNEI's pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to FNEI and all intervenors on or before **May 3, 2010**. Where possible, the questions should reference the pre-filed evidence.
2. Intervenors who wish information and material from FNEI that is in addition to FNEI's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to FNEI on or before **May 5, 2010**. Where possible, the questions should reference the pre-filed evidence.

3. FNEI shall file with the Board complete responses to all interrogatories and deliver them to the intervenors no later than **May 19, 2010**.

All filings to the Board must quote the file number, EB-2009-0387, 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, April 27, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"

**Five Nations Energy Inc.
2010 RATES APPLICATION EB-2009-0387**

APPLICANT & LIST OF INTERVENTIONS

APPLICANT & LIST OF INTERVENORS

- 2 -

April 27, 2010

INTERVENORS
Energy Probe

Rep. and Address for Service

Peter Faye

Counsel

Independent Participants - General Public

42 Eastwood Crescent

Markham ON L3P 5Z7

Tel: 905-294-2013

Fax: Not Provided

pfaye@rogers.com

Olena Loskutova

Energy Probe

225 Brunswick Ave.

Toronto ON M5S 2M6

Tel: 416-964-9223 Ext: 234

Fax: 416-964-8239

olena.loskutova@gmail.com

David MacIntosh

Consultant

Energy Probe

225 Brunswick Avenue

Toronto ON M5S 2M6

Tel: 416-964-9223 Ext: 235

Fax: 416-964-8239

DavidMacIntosh@nextcity.com

Independent Electricity
System Operator

Carl Burrell

Senior Analyst, Regulatory Affairs

Independent Electricity System Operator

655 Bay Street

Suite 410

Toronto ON M5G 2K4

Tel: 416-506-2858

Fax: 905-506-2847

carl.burrell@ieso.ca

**Five Nations Energy Inc.
EB-2009-0387**

APPLICANT & LIST OF INTERVENORS

- 3 -

April 27, 2010

**Independent Electricity
System Operator**

Maia Chase

Independent Electricity System Operator
655 Bay Street
Suite 410, P.O. Box 1
Toronto ON M2G 2K4
Tel: 905-403-6906
Fax: 905-855-6372
maia.chase@ieso.ca