



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.

REVISED PROCEDURAL ORDER NO. 4

An application dated December 23, 2009 was filed by Hydro One Networks Inc. 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, (the "Act") seeking an order of the Board granting leave to construct transmission facilities. The applicant is seeking leave to construct transmission facilities for the Toronto Midtown Transmission Reinforcement Project ("Midtown Project"). The work involves constructing and/or renewing 5.3 km of overhead and underground transmission line facilities in the City of Toronto. The application has been assigned Board File No. EB-2009-0425.

Procedural Order No. 1 was issued on February 23, 2010. The procedural order identified intervenors and observers for the proceeding and established dates for an interrogatory process on Hydro One's evidence. Subsequent procedural orders adjusted the dates for interrogatories on the applicant's evidence and for the submission of intervenor evidence, and provided for an interrogatory process for intervenor evidence.

On April 21, 2010 the NRRA provided notice of a motion seeking direction from the Board regarding the adequacy of information provided by Hydro One in its March 24,

2010 response to interrogatories. Hydro One provided the additional information requested in the April 21, 2010 NRRA Notice of Motion late in the day on April 30, 2010.

In accordance with Procedural Order No. 3, the NRRA submitted evidence on April 26, 2010. Interrogatories on the NRRA evidence were filed by Board staff on April 29, 2010. Hydro One advised that it would not be filing interrogatories on the evidence.

On Monday May 3, 2010 the NRRA advised the Board that due to an apparent delay in receiving Hydro One's responses to its interrogatories, the NRRA was not able to meet the timelines for filing responses to interrogatories or filing final submissions set out in Procedural Order No. 3. The Board will grant some additional time for these procedural steps.

The Toronto District School Board ("TDSB") also provided evidence on April 26, 2010, together with interrogatories on Hydro One's evidence. On May 3, 2010 the Toronto District School Board wrote the Board indicating that it was not satisfied with Hydro One's responses to its interrogatories.

The Board has reviewed the TDSB evidence and the interrogatories. The Board finds that the evidence of the TDSB and the interrogatories from the TDSB that deal with Electro-Magnetic Fields and related alleged hazards from proximity to transmission lines are not within the scope of this proceeding. As the Board noted in Procedural Order No. 2 in this proceeding, the Board's mandate under section 92 of the Act is restricted by section 96(2) of the Act. Hydro One has made some effort to satisfy the TDSB concerns in this regard. The Board will not require or direct Hydro One to produce any further answers to the interrogatories of the TDSB.

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

THE BOARD ORDERS THAT:

1. The NRRA shall submit responses to Board staff interrogatories by **Monday May 10, 2010;**

2. Board staff and intervenors shall, if they wish, file final submissions with the Board and send a copy to the applicant no later than **Wednesday May 12, 2010;**
3. The applicant shall file its reply submission with the Board no later than **Tuesday May 17, 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 May 5, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary