



EB-2009-0274

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 Whitby Hydro
Electric Corporation for an order approving just and
reasonable rates and other charges for electricity distribution
to be effective May 1, 2010.

PROCEDURAL ORDER No. 2

Whitby Hydro Electric Corporation ("Whitby Hydro") filed an application with the Ontario Energy Board, received on January 15, 2010 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Whitby charges for electricity distribution, to be effective May 1, 2010. The Board has assigned File Number EB-2009-0274 to this application.

In Procedural Order # 1, issued on March 16, 2010, the Board made provision for written interrogatories. The three registered intervenors, Energy Probe, the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC"), and Board staff filed interrogatories. Whitby Hydro filed responses to the interrogatories on April 28, 2010.

The Board indicated that at the completion of this first phase of the discovery process, the Board would determine whether further discovery, either in the form of a further technical conference or further interrogatories, would be required and whether to order that a settlement conference be held.

The Board is now seeking the views of all parties regarding the need for additional procedural steps in this proceeding.

THE BOARD ORDERS THAT:

1. All parties may file with the Board and deliver to all other parties on or before **Monday, May 17, 2010** any submissions on the following procedural issues:
 - a) whether further discovery is required, either in the form of further interrogatories or a technical conference;
 - b) whether a settlement conference would be appropriate; and
 - c) whether a written or oral hearing is preferred on unsettled issues if applicable.

Parties should provide reasons for submitting that a second round of interrogatories and/or a technical conference is required. Reasons should also be provided for any position supporting a settlement conference, a written hearing or an oral hearing.

All filings to the Board must quote file number EB-2009-0274, 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 BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file seven 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.

DATED at Toronto, May 10, 2010
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary