



EB-2010-0174

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 Chapleau Public Utilities Corporation for an order or orders approving or fixing just and reasonable distribution rates and other charges, to be effective May 1, 2010.

AND IN THE MATTER OF a Motion to Review and Vary by Chapleau Public Utilities Corporation for review of the Board's Decision and Order in EB-2009-0219.

BEFORE: Ken Quenelle
Presiding Member

Marika Hare
Panel Member

NOTICE OF MOTION AND PROCEDURAL ORDER NO. 1

On April 21, 2010, Chapleau Public Utilities Corporation ("Chapleau PUC") filed a Motion to Review and Vary (the "Motion") the Ontario Energy Board's (the "Board") Decision and Order in EB-2009-0219 dated March 30, 2010 (the "Decision") under Rule 42 of the Board's *Rules of Practice and Procedure*. In the Motion, Chapleau PUC requested that the disposition period for its Group 1 deferral and variance account balance be extended from a one year period to a four year period. The Motion has been assigned file number EB-2010-0174.

On April 30, 2010, the Board issued an Interim Rate Order stating that until such time that the Board deals with the Motion, Chapleau PUC's rates are declared interim effective May 1, 2010.

The Board will proceed by way of a written hearing. The Board will allow for written submissions from both Chapleau PUC and Board staff.

The Threshold Question

Under Rule 45.01 of the *Rules of Practice and Procedure*, the Board may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits.

Rule 44.01 of the *Rules of Practice and Procedure* states that a motion for review must set out grounds that raise a question as to the correctness of the order or decision in question, which grounds may include the following:

- (i) error in fact;
- (ii) change in circumstances;
- (iii) new facts have arisen; and
- (iv) facts that were not placed in evidence in the proceeding and could not have been discovered by reasonable diligence at the time.

The Board requests that Chapleau PUC and Board staff address the threshold issue in their submissions. Depending on the outcome of the threshold question review, the Board will determine whether the merits of the Motion will be reviewed.

THE BOARD THEREFORE ORDERS THAT:

1. Board staff shall file its written submission to address the threshold question with the Board and serve copies to Chapleau PUC on or before **May 20, 2010**.
2. Chapleau PUC shall file its written submission on the threshold question with the Board on or before **May 27, 2010**.

All filings to the Board must quote file number EB-2010-0174, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the

Board's web portal at www.errr.oeb.gov.on.ca. 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 e-mail your document to Boardsec@oeb.gov.on.ca. 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, and be received no later than **4:45 p.m.** on the required date. Parties must also include the Case Manager, Daniel Kim Daniel.kim@oeb.gov.on.ca and Board Counsel, Michael Millar Michael.Millar@oeb.gov.on.ca in electronic correspondence related to this proceeding.

DATED at Toronto, May 12, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary