



**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. 7**

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"). 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.

On April 9, 2010 GLPT filed responses to the supplemental interrogatories and requested confidential treatment for some of the information.

On April 30, 2010 the Board issued a Decision and Order on Confidentiality of Additional Information and Procedural Order No. 6 in which it ordered that the Requested Additional Information would remain confidential.

On April 16, 2010 the Board issued Procedural Order No. 5 setting out a schedule for GLPT to file responses to all undertakings given during the technical conference, and a date of May 3 for commencement of a settlement conference.

On May 11, 2010 the Board issued its Decision and Order accepting GLPT's proposed redactions to the Confidential Unredacted Transcript of the technical conference after making provisions for submissions by the parties and response by GLPT. A Redacted Transcript will be made available on the Public Record.

### **Settlement Agreement**

According to Procedural Order No.5, the deadline for filing a Proposed Settlement Agreement is May 17, 2010 at 9:30 a.m. The Board received a letter via an e-mail from the GLPT on behalf of the Parties to the settlement dated May 14, 2010, requesting extension of the deadline for filing the Proposed Settlement Agreement until noon of May 17, 2010. GLPT explained that the additional time is requested to account for any logistical issues in preparing a final form of settlement. The Board is approving the request for the delay, and upon receipt

and review of the Settlement Agreement, will advise the Applicant and intervenors of its decision prior to **Thursday, May 27, 2010**.

**SEC Motion**

On May 12, SEC filed with the Board on a confidential basis a Notice of Motion and Motion Record seeking orders that:

- (a) the Applicants be compelled to provide a full answer to questions on pages 58 and 66 of the Technical Conference held April 14, 2010;
- (b) the Applicants be compelled to file the documents requested in SEC Interrogatory #1 and SEC Supplementary Interrogatory #3; and
- (c) such further and other relief as the counsel for SEC may advise and this Board may permit.

The Board will set out a two staged procedure to first establish what motion material, if any will remain confidential to be followed by the second phase of hearing which will deal with the substantive issues raised in the Motion.

All filed documents that are identified as Confidential by the parties will be so treated on an interim basis until the Board makes a determination, at the hearing of the Motion, as to which parts will remain confidential and which parts will be available on the public record.

To implement the two staged approach, a schedule will be established which will allow for submission of Factums in support of SEC's Motion and also for other intervenors, Board Staff and GLPT to respond by filing their own Factums. Hearing dates will also be scheduled to deal with Motion and the Oral hearing of the application.

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

**THE BOARD ORDERS THAT:**

1. Schools Energy Coalition may file a Factum in support of its Motion, which will be designated as Confidential on an interim basis, and deliver same to

all other parties provided that these parties have signed the Board's Declaration and Undertaking, by **Friday, May 21, 2010**.

2. Intervenor, Board Staff and the Applicant may file Factums, which will also be designated as Confidential on an interim basis, and deliver same to all other parties who have signed the Board's Declaration and Undertaking no later than **Tuesday, May 25, 2010**.
3. The Motion will be heard on **Thursday, May 27, 2010 at 9:30 a.m.**, at the Board's North Hearing Room. At the beginning of the Motion Day proceeding, the Board will determine the parts of the Motion Material that will remain designated as confidential and the parts that will be made part of the public record. The Board will then hear SEC's Motion seeking answers to certain questions at the Technical Conference and in response to certain interrogatories by SEC.
4. The Applicant should attend the Motion Day proceeding with the information requested in the Motion and be prepared to provide such information to all parties in the event the Board decides such information should be produced.
5. The Oral hearing of the Application will commence on **Tuesday, June 1, 2010 at 9:30 a.m.**, in the North Hearing Room. If needed the Oral hearing will continue on **Thursday, June 3, and Friday, June 4, 2010 at 9:30 a.m.** in the North Hearing Room.
6. If you already have a user ID, please submit all filings to the Board noted in this Procedural Order through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. The Board also accepts interventions by e-mail, at the address below, and again, two additional

paper copies are required. Those who do not have internet access are required to submit their intervention request on a CD or diskette in PDF format, along with two paper copies.

**DATED** at Toronto on May 17, 2010  
**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary