



**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. 3**

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 No. 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 technical conference or further interrogatories, would be required and whether to order that a settlement conference be held. In Procedural Order # 2, issued on May 10, 2010, the Board sought the views of all parties. The Board has received submissions from the Applicant and all intervenors.

The Board considers it necessary to make provision for the following matters related to this proceeding.

## THE BOARD ORDERS THAT:

1. Intervenor or Board staff who wish to ask questions that relate to existing interrogatory responses filed by Whitby Hydro shall file written interrogatories with the Board and deliver a copy to the Applicant on or before **May 25, 2010**. Where possible, the questions should specifically reference the existing response and the pre-filed evidence.
2. Whitby Hydro shall file with the Board complete responses to the supplemental interrogatories and deliver them to the intervenors no later than **June 8, 2010**.
3. A transcribed Technical Conference will be convened on **June 17, 2010**, starting at 9:30 a.m., with the objective of completing the evidentiary record. A Settlement Conference will be convened immediately following the Technical Conference, with the objective of reaching a settlement among the parties on the issues. If necessary, the Technical or Settlement Conference will continue on **June 18, 2010**. The Technical and Settlement Conferences will be held in the **ADR Room**, on the 25<sup>th</sup> floor at 2300 Yonge Street, Toronto.

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](http://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](http://www.oeb.gov.on.ca). If the web portal is not available you may email your document to the [BoardSec@oeb.gov.on.ca](mailto: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 20, 2010  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary