



EB-2010-0184

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF a motion by the Consumers Council of Canada in relation to section 26.1 of the *Ontario Energy Board Act, 1998* and Ontario Regulation 66/10.

PROCEDURAL ORDER NO. 3

On April 26, 2010, the Ontario Energy Board (the "Board") received a Notice of Motion from the Consumers Council of Canada ("CCC") regarding the assessments issued by the Board pursuant to section 26.1 of the *Ontario Energy Board Act, 1998* (the "Act") (the "Motion").

On May 11, 2010, the Board issued a Notice of Hearing and Procedural Order No. 1 (the "Notice") addressed to CCC, the Attorney Generals of Ontario and Canada, and the Ministry of Energy and Infrastructure. In the Notice, the Board stated that before determining whether or not it will hear the Motion, the Board intends to hear argument on a number of preliminary questions that were set out in the Notice. The Board also set dates for filing of written arguments and oral submissions. The Board issued an Amended Notice of Hearing and Procedural Order No. 1 on May 11, 2010 (the "Amended Notice").

On May 12, 2010, counsel for the Attorney General of Ontario filed a letter with the Board in which the Attorney General of Ontario and CCC jointly requested that the Board extend the timelines made in the Amended Notice. In response to this letter, the Board issued Procedural Order No. 2, which extended certain filing deadlines.

On May 20, 2010, the Board received a letter from the Industrial Gas Users Association ("IGUA") seeking observer status in this proceeding. On May 21, 2010, the Board

received a letter from Canadian Manufacturers & Exporters (“CME”) seeking intervenor status in the proceeding.

The Board has reconsidered the issue of broader participation in this proceeding, and will now allow interested persons to apply for intervenor status. In order to accommodate any potential intervenors, the Board will amend the timelines established in Procedural Order No. 2. Any intervenors are reminded that they are expected to cooperate with other parties to ensure that there is no duplication of effort.

The Board considers it necessary to make provisions for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. The intervention request of CME and the observer status request of IGUA are granted. If IGUA wishes to become a full intervenor, it may follow the process outlined below.
2. Any person who wishes to intervene in this proceeding shall file a letter requesting intervenor status by **June 1, 2010**. Requests for intervenor status should follow the guidance established in the Board’s *Rules of Practice and Procedure*.
3. CCC, and any intervenors that support the relief sought by CCC, shall file their written argument and any evidence with the Board and serve them on all intervenors (including the Attorney General of Canada, the Attorney General of Ontario, and the Ministry of Energy and Infrastructure) on or before **June 9, 2010**.
4. If the Attorney General of Canada, the Attorney General of Ontario, the Ministry of Energy and Infrastructure, or any intervenor opposed to the relief sought by CCC wishes to file a response to CCC's written argument, they shall file their written response and any evidence with the Board and serve them on CCC and all other intervenors on or before **June 21, 2010**.
5. An oral hearing will commence in the Board’s hearing room on **July 13, 2010** at 2300 Yonge Street, 25th Floor, Toronto, at 9:30 am.

6. Any filings to the Board must quote file number EB-2010-0184, 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 address below. 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.
7. 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.

Attention: Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Filings : www.errr.oeb.gov.on.ca
E-mail: Boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

ISSUED at Toronto, May 28, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary