



**EB-2010-0159**

**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  
Canadian Niagara Power Inc., requesting approval  
to establish a deferral account to record certain  
preliminary costs.

### **PROCEDURAL ORDER NO. 1**

Canadian Niagara Power Inc. (the “Applicant” or “CNPI”) has filed an application with the Ontario Energy Board, (the “Board”) dated April 9, 2010 requesting Board approval to establish a deferral account to record certain preliminary costs associated with an application by CNPI for leave to construct transmission facilities which was denied by the Board.

The Board has assigned File No. EB-2010-0159 to this application.

The Board issued a Notice of Application and Hearing (the “Notice”) on April 28, 2010. The Notice and the application were served by the Applicant and posted on the Applicant’s website, as directed by the Board. Energy Probe Research Foundation (“Energy Probe”) applied for and was granted intervenor status. An intervention list is attached as Appendix “A” to this procedural order.

The Board intends to proceed by way of a written hearing. However, the Board may include an oral component if in the Board’s view it is warranted. This determination will be made at a later stage.

If this proceeding follows the usual sequence for a written hearing, it is expected that a decision would be rendered on or about August 17, 2010.

The Board considers it necessary to make provision for a number of procedural matters. Please be aware that further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. Intervenor or Board staff who wish information and material from the Applicant that is in addition to the Applicant's pre-filed evidence and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant on or before **Monday June 7, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.
2. The Applicant shall file with the Board, with copies to Intervenor, complete responses to the interrogatories on or before **Wednesday June 16, 2010**.
3. The Applicant shall file with the Board, with copies to Intervenor, any submission it wishes to, on or before **Thursday June 24, 2010**.
4. Intervenor and Board Staff who wish to file submissions with the Board shall do so, with copies to the Applicant, on or before **Monday July 5, 2010**.
5. The Applicant shall file with the Board, with copies to Intervenor, any reply submission it wishes to, on or before **Monday July 12, 2010**.
6. All filings to the Board must quote file number EB-2010-0159. You must file two paper copies and an electronic copy through the OEB Web Portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. Alternately, the electronic copy of your intervention request may be submitted by e-mail to the Board Secretary at [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). Those who do not have internet access are required to submit the electronic copy on a CD or diskette. All electronic filings are to be in searchable/unprotected PDF format.

Parties must also include the Case Manager, Robert Caputo at [robert.caputo@oeb.gov.on.ca](mailto:robert.caputo@oeb.gov.on.ca) and Board Counsel, Michael Millar at

[michael.millar@oeb.gov.on.ca](mailto:michael.millar@oeb.gov.on.ca) on all electronic correspondence related to this case.

**DATED** at Toronto, May 28, 2010  
**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**APPENDIX "A"**  
**TO PROCEDURAL ORDER NO. 1**  
**BOARD FILE NO. EB-2010-0159**  
**DATED: May 28, 2010**  
**INTERVENTION LIST**

**Canadian Niagara Power Inc.**

**EB-2010-0159**

**APPLICANT & LIST OF INTERVENORS**

**May 28, 2010**

**APPLICANT**

**Rep. and Address for Service**

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**INTERVENORS**

**Energy Probe**

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**Canadian Niagara Power Inc.**

**EB-2010-0159**

**APPLICANT & LIST OF INTERVENORS**

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**May 28, 2010**

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