



EB-2009-0278

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 Algoma Power Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective July 1, 2010 and January 1, 2011.

PROCEDURAL ORDER No. 1

Algoma Power Inc. (“Algoma Power”) filed a cost of service application with the Ontario Energy Board (the “Board”) on June 1, 2010, and amended on June 7, 2010, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates for 2010 and 2011 that Algoma Power charges for electricity distribution, to be effective July 1, 2010 and January 1, 2011 respectively. The Board has assigned the application File No. EB-2009-0278.

The Board issued a Notice of Application and Hearing on June 24, 2010. The Vulnerable Energy Consumers Coalition (“VECC”), the School Energy Coalition (“SEC”) and the Energy Probe Research Foundation (“Energy Probe”), applied for intervenor status and cost eligibility with the timeframe set in the Notice of Application and Hearing. No objections were received.

On July 15, 2010 the Garden River First Nation (“Garden River”) filed a Notice of Intervention seeking intervenor status and eligibility for costs.

The Board has determined that VECC, SEC, Energy Probe and Garden First River will be granted intervenor status. Garden River’s request for intervenor status and costs eligibility was filed after the deadline, and the Board has proceeded on the assumption that parties will not object to Garden River’s request. Garden River’s intervenor status

and eligibility for costs, however, will be subject to any objections that may be filed by parties by July 25, 2010.

The Board has also determined that the intervenors are each eligible to apply for an award of costs under the Board's Practice Direction on Cost Awards with respect to this cost of service rates proceeding. The Board notes that VECC where possible will be assisting Garden River, including the development of interrogatories and argument. As it has done in the past, the Board expects co-operation among parties with similar interest, and will consider any lack of co-operation when determining the amount of a cost award.

A list of intervenors for this proceeding is attached as Appendix A to this Order.

The Notice of Application indicated that the Board may provide for an oral component. This could be in the form of a technical conference or an oral hearing or both.

The Board has decided to make provision at this time for a technical conference and a settlement conference after which the Board will determine whether to conduct an oral hearing or to make provision for written final submissions.

Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff shall request information and material from Algoma Power that is in addition to Algoma Power's pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Algoma Power and all intervenors on or before **July 27, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.
2. Intervenors who wish information and material from Algoma Power that is in addition to Algoma Power's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Algoma Power on or before **July 30, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.

3. Algoma Power shall file with the Board complete responses to all interrogatories and deliver them to the intervenors no later than **August 16, 2010**.
4. A technical conference will be held on **August 24, 2010** at 2300 Yonge Street, Toronto 25th Floor in the Board's offices commencing at 9:30 am. Intervenors and Board staff are expected to forward their questions to the Applicant on or by **August 20, 2010**.
5. A Settlement Conference will be convened on **August 25, 2010** starting at 9:30 a.m. and, if needed, may continue until August 26, 2010. The Settlement Conference will be held at 2300 Yonge Street, Toronto in the Board's ADR room on the 25th Floor.
6. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board by **September 8, 2010**. The Settlement Proposal should contain a list of any unsettled issues, identifying those issues that the parties believe must be dealt with by way of oral hearing.
7. Any Settlement Proposal will be reviewed by the Board on **September 13, 2010** at 9:30am. at 2300 Yonge Street, Toronto in the Board's hearing room.

All filings to the Board must quote the file number, EB-2009-0278, 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 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 at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED July 20, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

TO PROCEDURAL ORDER NO 1

APPLICANT AND LIST OF INTERVENORS

BOARD FILE NO EB-2009-0278

DATED: July 20, 2010

**Algoma Power Inc.
EB-2009-0278**

APPLICANT & LIST OF INTERVENORS

July 20, 2010

APPLICANT

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INTERVENORS

**Energy Probe Research
Foundation**

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Algoma Power Inc.

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APPLICANT & LIST OF INTERVENORS

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Foundation**

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Garden River First Nation

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School Energy Coalition

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School Energy Coalition

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**Vulnerable Energy Consumers
Coalition**

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