



EB-2010-0209

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 PowerStream Inc. for an order or orders approving or fixing a just and reasonable distribution rates related to Smart Meter deployment, to be effective November 1, 2010.

PROCEDURAL ORDER No. 1

PowerStream Inc. ("PowerStream") filed an application ("the Application") with the Ontario Energy Board (the "Board") on June 11, 2010 under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B) (the "Act"), seeking approval for a smart meter disposition rate rider of \$0.37 per month per metered customer, effective November 1, 2010 to April 30, 2011; a smart meter rate rider of \$1.45 per month per residential customer and \$1.03 per month per General Service less than 50 kW ("GS<50 kW") demand customer; and a decrease from its current utility-specific smart meter funding adder of \$1.81 to \$0.50 per month per metered customer.

PowerStream continues to operate two separate rate zones, PowerStream South, the legacy service area and PowerStream North, the Barrie service area. This Application pertains to the legacy service area only. The Board has assigned the application file number EB-2010-0209.

The Board issued a Notice of Application and Hearing on June 28, 2010. The Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objections were received. The Board received four letters of comment.

The Board has determined that VECC will be granted intervenor status. The Board has also determined that VECC is eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

In the Notice of Application and Hearing, the Board stated its intention to proceed with its review of this application by way of a written hearing.

In the Application, PowerStream filed a request that the following documents be held in confidence by the Board pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"):

- Advanced Metering Infrastructure Services Agreement between PowerStream Inc. and Sensus Metering Systems Inc.;
- Residential Smart Meter Pricing from Sensus Metering Systems Inc.;
- Smart Meter Installation Agreement between PowerStream Inc. and Honeywell Limited, and Amendment No. 1 thereto; and
- Smart Meter Installation Contract between PowerStream Inc. and Olameter Inc.

PowerStream advised the Board that un-redacted copies of all documents have been filed with the Board in confidence. PowerStream stated that it will provide un-redacted copies of the documents to parties' counsel and experts or consultants who have executed the Declaration and Undertaking appended to the Practice Direction, subject to any objection which might be raised by PowerStream.

The Practice Direction permits any party to a proceeding to object to the request for confidentiality by filing a written objection. This Procedural Order establishes the process for receiving such objections and PowerStream's response. The Board intends to make its findings with respect to PowerStream's claim for confidentiality immediately subsequent to the submissions being received,

The Board has decided to make provision at this time for written interrogatories. After its review of the responses, the Board will determine the next steps including whether provision should be made for additional interrogatories. 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. The Applicant shall provide all confidential materials to parties that have executed a Declaration and Undertaking pursuant to the Board's Practice Direction on Confidential Filings.
2. Intervenors and Board staff may make written submissions regarding the request for confidential treatment of any or all documents for which PowerStream Inc. is claiming confidentiality, which must be filed with the Board and delivered to PowerStream and all other intervenors on or before **July 30, 2010**. Submissions should comply with the *Practice Direction on Confidential Filings*, specifically sections 5.16 and 5.17.
3. PowerStream shall file any reply submission with respect to any submissions filed pursuant to part 1 above, pursuant to section 5.1.8 of the *Practice Direction on Confidential Filings*, with the Board and delivered to all intervenors on or before **August 4, 2010**.
4. Board staff shall request information and material from PowerStream Inc. that is in addition to PowerStream's pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to PowerStream Inc. and all intervenors on or before **August 9, 2010**. Where possible, the questions should specifically reference the pre-filed evidence. For interrogatories that have been asked based on information that PowerStream has requested confidential treatment, parties should make best efforts to frame their questions in such a manner as to be placed on the public record.
5. Intervenors who wish information and material from PowerStream Inc. that is in addition to PowerStream'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 PowerStream Inc. on or before **August 11, 2010**. Where possible, the questions should specifically reference the pre-filed evidence. For interrogatories that have been asked based on information that PowerStream has requested confidential treatment, parties should make best efforts to frame their questions in such a manner as to be placed on the public record.

6. PowerStream shall file with the Board complete responses to all interrogatories and deliver them to the intervenors no later than **August 25, 2010**.

All filings to the Board must quote file number EB-2010-0209, 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. Parties shall 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, parties may email their documents 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 at Toronto, July 27, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary