



**EB-2009-0262**  
**EB-2010-0121**

**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 West Perth  
Power Inc. and Clinton Power Corporation for an order  
approving just and reasonable rates and other charges for  
electricity distribution to be effective July 1, 2010.

### **PROCEDURAL ORDER No. 1**

West Perth Power Inc. (“West Perth Power”) and Clinton Power Corporation (“Clinton Power”) filed cost of service applications with the Ontario Energy Board (the “Board”) on June 15, 2010 and June 18, 2010 respectively, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that West Perth Power and Clinton Power charge for electricity distribution in their respective service areas, to be effective July 1, 2010. The Board has assigned the applications file numbers EB-2010-0121 and EB-2009-0262 respectively.

There are several common elements in these applications. To effect a more efficient process and pursuant to section 21(5) of the *Ontario Energy Board Act* the Board has determined that the review of these applications will be combined into one proceeding, while maintaining the separate identification of each of the applications.

The Board issued a Notice of Application and Hearing on July 6, 2010. The Vulnerable Energy Consumers Coalition (“VECC”) and the School Energy Coalition (“SEC”) applied for intervenor status and cost eligibility. West Perth Power objected to SEC’s request for intervenor status but later withdrew its objection upon clarification from the Ontario

Public School Boards Association, the customer group represented by SEC. No other objections to these intervention requests were received.

The Board has determined that VECC and SEC will be granted intervenor status. VECC and SEC's contact details are attached as Appendix A to this Order. The Board has also determined that VECC and SEC are 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 but may include an oral component for certain parts of the application. The Board will assess the requirement for an oral component as the record develops through the discovery process.

The Board has conducted an initial review of the applications and notes several deficiencies in the application material including, but not limited to:

- Absence of supporting documents regarding the corporate structure;
- Absence of Audited Financial Statements for the last two historical years
- Lack of evidence and detailed variance explanations in the areas of Rate Base, Capital Expenditures and Operation, Maintenance, and Administration; and
- Absence of appropriate cost allocation data.

The Board notes that the application does not fully satisfy the *Board's Filing Requirements for Transmission and Distribution Applications* and expects that the deficiencies will be remedied through responses to interrogatories. After the outstanding information is provided in response to an initial round of interrogatories, a further round of interrogatories will likely be required.

The Board has decided to make provision at this time for preliminary interrogatories in order to clarify certain pre-filed evidence. After its review of the responses, the Board will determine the next steps including whether provision should be made for additional written interrogatories or a technical conference, after which the Board will determine whether to conduct an oral hearing or to make provision for written final submissions.

This Procedural Order addresses the process for the first round of discovery. Please note that further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. Board staff shall request information and material from West Perth Power and Clinton Power that is in addition to West Perth Power's and Clinton 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 West Perth Power and Clinton Power and all intervenors on or before **August 17, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.
2. Intervenors who wish information and material from West Perth Power and Clinton Power that is in addition to West Perth Power and Clinton 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 West Perth Power and Clinton Power on or before **August 24, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.
3. West Perth Power and Clinton Power shall file with the Board complete responses to all interrogatories and deliver them to intervenors no later than **September 14, 2010**.

All filings to the Board must quote the file numbers, EB-2009-0262 and EB-2010-0121, 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. Parties must 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, 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](mailto:Boardsec@oeb.gov.on.ca)  
Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**DATED** at Toronto, August 4, 2010

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**APPENDIX A**

**West Perth Power Inc.  
Clinton Power Corporation**

**EB-2009-0262  
EB-2010-0121**

**LIST OF INTERVENORS**

Clinton Power Corporation and West Perth Power Inc.  
EB-2009-0262 and EB-2010-0121

**APPLICANT & LIST OF INTERVENORS**

August 4, 2010

**APPLICANT**

**Rep. and Address for Service**

**Clinton Power Corporation  
and West Perth Power Inc.**

**Wally Curry**

President & C.E.O  
Clinton Power Corporation and West Perth Power Inc.  
169 St. David Street  
P.O. Box 220  
Mitchell, ON N0K 1N0

Tel: 519-348-8458  
Fax: 519-348-8949  
[wcurry@westperth.com](mailto:wcurry@westperth.com)

**INTERVENORS**

**School Energy Coalition**

**Rep. and Address for Service**

**Jay Shepherd**

Jay Shepherd Professional Corporation  
120 Eglinton Avenue East  
Suite 500

Toronto ON M4P 1E2  
Tel: 416-804-2767

Fax: Not Provided  
[jay.shepherd@canadianenergylawyers.com](mailto:jay.shepherd@canadianenergylawyers.com)

**Wayne McNally**

SEC Coordinator  
Ontario Public School Boards' Association  
c/o Ontario Public School Boards Associa  
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[wmcnally@opsba.org](mailto:wmcnally@opsba.org)

Clinton Power Corporation and West Perth Power Inc.  
EB-2009-0262 and EB-2010-0121

**APPLICANT & LIST OF INTERVENORS**

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August 4, 2010

**Vulnerable Energy Consumers  
Coalition**      **Michael Buonaguro**

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