



EB-2010-0193

**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 Toronto Hydro-  
Electric System Limited for an order or orders approving just  
and reasonable rates and other charges for electricity  
distribution to be effective May 1, 2011.

### **PROCEDURAL ORDER NO. 3**

Toronto Hydro-Electric System Limited ("Toronto Hydro") has filed an application with the Ontario Energy Board, (the "Board"), received on May 14, 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 that Toronto Hydro charges for electricity distribution, to be effective May 1, 2011.

The application is for recovery of approved contact voltage remediation costs arising out of the Board's Decision on Toronto Hydro's EB-2009-0243 application for recovery of these costs.

The Board issued a Notice of Application and Hearing and Procedural Order No. 1 dated June 4, 2010, which, among other matters, set dates for the filing of interrogatories by intervenors and Board staff and responses by Toronto Hydro. These were due July 14, 2010.

On July 26, 2010, the Board issued Procedural Order No. 2, which stated that the Board had reviewed the responses to the interrogatories provided by Toronto Hydro. Based on this review, the Board had determined that it required additional information to that provided by Toronto Hydro in its responses in order to complete the record of this proceeding. The Board established a date of August 3, 2010 by which Toronto Hydro was to file the additional information required by the Board. The Board further stated

that upon receipt of this information, a further Procedural Order would be issued outlining revised dates for the remainder of this proceeding.

On August 3, 2010, Toronto Hydro filed a letter with the Board noting that Procedural Order No. 2 had required it to file the requested additional information by this date, but stating that while it was working diligently to produce its responses, the required financial information was not readily available in the requested format and, as such, Toronto Hydro would be unable to provide the requested information by August 3, 2010. Toronto Hydro also noted that it had received correspondence from the School Energy Coalition ("SEC") requesting an expanded response to one of its interrogatories. Toronto Hydro stated that it expected it would be able to provide its responses shortly.

On August 23, 2010, Toronto Hydro provided its response to the Board. This response incorporated the requested 2009 monthly breakdowns, but did not include the 2008 and 2007 breakdowns also requested by the Board. Toronto Hydro stated that it did not provide this information because it was not possible to produce with reasonable effort and would, in any event, represent judgemental mappings substantially after the fact with little probative value. Toronto Hydro cautioned that the 2009 figures which were provided were indicative only for the reasons which were outlined in its response. Toronto Hydro also stated that with respect to SEC's request, it relied on its response as originally filed.

The Board has reviewed Toronto Hydro's response and has determined that it will assess Toronto Hydro's application based on the record that it has provided to date. Accordingly, the Board will proceed directly to the submission phase of this process.

**THE BOARD THEREFORE ORDERS THAT:**

1. If Board staff and intervenors wish to make written submissions on the application, they must file those submissions with the Board and deliver them to Toronto Hydro and other intervenors by **September 10, 2010**.
2. If Toronto Hydro wishes to respond to a submission, the response must be filed with the Board and delivered to intervenors by **September 17, 2010**.

3. Any filings to the Board must quote file number EB-2010-0193, 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. Please 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 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.
4. 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.

**ISSUED** at Toronto, August 31, 2010.

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary