



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. 4

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 directed Toronto Hydro to provide additional information in order to complete the record of this proceeding. On August 23, 2010 Toronto Hydro provided its responses and on August 31, 2010, the Board issued Procedural Order No. 3 establishing dates for final written submissions.

The Board established September 10 as the deadline for written submissions to be filed by intervenors and Board staff, and September 17 for reply submissions to be filed by Toronto Hydro.

On September 3, 2010, Toronto Hydro filed a letter to the Board indicating that it had reviewed the record of this proceeding. Toronto Hydro acknowledged that while it has attempted to respond as fully as possible to the interrogatories received, it is likely that the record could be better clarified with respect to the relationships between Toronto Hydro's financial reporting records and the corresponding regulatory accounting concepts, specifically that of "controllable expenses".

Toronto Hydro also acknowledged that it holds the burden of proof in this case and regrets any defects that may exist or be perceived to exist on the record adduced. Toronto Hydro requested that the Board amend Procedural Order No. 3 to permit Toronto Hydro to file further clarification supported by appropriate material by Friday September 10, 2010 and to correspondingly extend the due dates for Board staff, intervenor and Toronto Hydro submissions by one week each.

The Board will grant Toronto Hydro's request but will also establish a final brief discovery phase by way of written supplemental interrogatories to test the new evidence that Toronto Hydro intends to file. Following the responses to the supplemental interrogatories, the Board will establish new dates for submissions as outlined below.

THE BOARD THEREFORE ORDERS THAT:

1. Toronto Hydro shall file the additional clarifying information referred to in its September 3, 2010 letter with the Board and deliver it to intervenors by **September 10, 2010.**
2. Intervenors and Board staff who wish information and material relating to the materials filed by Toronto Hydro pursuant to (1) above that is relevant to the hearing shall request it by written supplemental interrogatories filed with the Board and delivered to Toronto Hydro and other intervenors on or before **September 17, 2010.**

3. Toronto Hydro shall file with the Board complete responses to the supplemental interrogatories and deliver them to all the intervenors no later than **September 24, 2010**.
4. 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 **October 1, 2010**.
5. If Toronto Hydro wishes to respond to a submission, the response must be filed with the Board and delivered to intervenors by **October 8, 2010**.
6. 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, 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 should 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 or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.
7. 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, September 8, 2010.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary