



EB-2009-0274

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 Whitby Hydro
Electric Corporation for an order approving just and
reasonable rates and other charges for electricity distribution
to be effective May 1, 2010.

PROCEDURAL ORDER No. 4

Whitby Hydro Electric Corporation ("Whitby Hydro") filed an application with the Ontario Energy Board, received on January 15, 2010 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Whitby Hydro charges for electricity distribution, to be effective May 1, 2010. The Board has assigned File Number EB-2009-0274 to this application.

There are three registered intervenors, Energy Probe, the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC"). In Procedural Order No. 1, issued on March 16, 2010, the Board made provision for written interrogatories. Whitby Hydro filed responses to the interrogatories on April 28, 2010. In Procedural Order # 2, issued on May 10, 2010, the Board sought the views of all parties on next steps. In Procedural Order # 3, issued on May 20, 2010, the Board made provision for a second round of interrogatories, a technical conference, and a settlement conference.

Whitby Hydro completed filing responses to the second round of interrogatories on June 11, 2010. A Technical Conference was held on June 17, 2010. A Settlement Conference was convened on June 18, 2010. The conference adjourned, and Whitby Hydro committed to provide additional information in response to previous

interrogatories as well as undertakings from the Technical Conference. Whitby Hydro provided the responses to the Technical Conference undertakings and additional information on September 17, 2010.

The Board considers it necessary to make provision for the following matters related to this proceeding.

THE BOARD ORDERS THAT:

1. Board staff and all intervenors who wish to ask questions that relate to the information and material most recently provided by Whitby Hydro shall do so by written interrogatories filed with the Board and delivered to Whitby Hydro and all intervenors on or before **October 25, 2010**. Where possible, the questions should specifically reference the material filed by Whitby Hydro.
2. Whitby Hydro shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **November 9, 2010**.
3. The Settlement Conference will be re-convened on **November 16, 2010**, starting at 9:30 a.m., with the objective of reaching a settlement among the parties on the issues. The Settlement Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, and may continue until **November 17, 2010**, if needed.
4. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **December 8, 2010**.
5. Should there be any unsettled issues arising from the Settlement Conference the Board finds that an oral hearing will commence on **December 13, 2010** at 9:30 a.m. The hearing may proceed on **December 14, 2010** if needed.

All filings to the Board must quote file number EB-2009-0274, 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 BoardSec@oeb.gov.on.ca.

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 seven 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, October 6, 2010
ONTARIO ENERGY BOARD

Original signed by

John Pickernell
Assistant Board Secretary