



EB-2010-0137

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 Milton Hydro Distribution Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2011.

PROCEDURAL ORDER No. 1

Milton Hydro Distribution Inc. ("Milton Hydro" or the "Applicant") filed an application with the Ontario Energy Board (the "Board"), received on August 27, 2010 under section 78 of the *Ontario Energy Board Act, 1998*, (the "Act") seeking approval for changes to the rates that Milton Hydro charges for electricity distribution, to be effective May 1, 2011. The Board has assigned the application File Number EB-2010-0137.

The Board issued a Notice of Application and Hearing dated September 16, 2010. Energy Probe Research Foundation ("Energy Probe"), Vulnerable Energy Consumers Coalition ("VECC"), School Energy Coalition ("SEC") and Joan Shewchun applied for intervenor status. Energy Probe, VECC and SEC applied for cost eligibility. No objections were received. The Board received one request for observer status and two letters of comment.

The Board has determined that Energy Probe, VECC, SEC and Joan Shewchun will be granted intervenor status. The list of intervenors in this proceeding is attached as Appendix A to this Order. The Board has also determined that Energy Probe, VECC and SEC are eligible to apply for an award of costs under the Board's *Practice and Direction on Cost Awards*.

On August 27, 2010, Milton Hydro filed a request that selected information within the section of its application entitled: “2011 EDR Smart Meter Calculation Model” be held in confidence by the Board pursuant to the Board’s *Practice Direction on Confidential Filings* (the “Practice Direction”).

The Practice Direction permits any party to a proceeding to object to the request for confidentiality by filing a written objection. This Procedural Order addresses the process for receiving such objections. Subsequent to any and all submissions received pursuant to this Procedural Order, the Board intends to make its findings with respect to Milton Hydro’s claim for confidentiality.

At this time the Board intends to proceed with its review of this application by way of a written hearing. The Notice of Application indicated that the Board may provide for an oral component. This could be in the form of a technical conference or an oral hearing or both.

The Board has decided to make provision at this time for written interrogatories, followed by a technical conference and a settlement conference after which the Board will determine whether to conduct an oral hearing or to make provision for written final submissions.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Board staff and intervenors may make written submissions concerning the request for confidential treatment of the document for which Milton Hydro is claiming confidentiality. Any such submissions must be filed with the Board and delivered to Milton Hydro and all other intervenors on or before **October 22, 2010**. Submissions should comply with the *Practice Direction on Confidential Filings*, specifically sections 5.16 and 5.17.
2. Milton Hydro shall file with the Board and deliver to all intervenors any reply submission, pursuant to section 5.18 of the *Practice Direction on Confidential Filings* on or before **October 26, 2010**.

3. Board staff and all intervenors who wish information and material from Milton Hydro that is in addition to Milton Hydro'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 Milton Hydro and all intervenors on or before **November 2, 2010**. Where possible, the questions should specifically reference the pre-filed evidence. For interrogatories that are based on information for which Milton Hydro 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
4. Milton Hydro shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **November 16, 2010**.
5. A Technical Conference shall be convened on **November 24, 2010** so that Milton Hydro may respond to questions from parties related to the pre-filed evidence and responses to interrogatories. The Technical Conference will be transcribed and will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto at 9:30 a.m. The parties shall provide question in writing by **November 18, 2010**.
6. A Settlement Conference will be convened on **November 30, 2010**, starting at 9:30 a.m., and, if needed, may continue until **December 1, 2010** with the objective of reaching a settlement among the parties on the issues. The Settlement Conference will be held in the Board's West hearing room at 2300 Yonge Street, 25th Floor, Toronto.
7. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **December 13, 2010**.

All filings to the Board must quote the file number, EB-2010-0137, 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 must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca/OEB/Industry. 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.

DATED at Toronto, **October 19, 2010**

ONTARIO ENERGY BOARD

Original Signed By

John Pickernell
Assistant Board Secretary

**Milton Hydro Distribution Inc.
EB-2010-0137**

APPLICANT & LIST OF INTERVENORS

October 19, 2010

APPLICANT

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INTERVENORS

**Energy Probe Research
Foundation**

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APPLICANT & LIST OF INTERVENORS

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October 19, 2010

School Energy Coalition

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