



EB-2010-0144

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 Waterloo North
Hydro 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

Waterloo North Hydro Inc. (“WN Hydro” or the “Applicant”) filed an application with the Ontario Energy Board (the “Board”), on August 27, 2010 under section 78 of the *Ontario Energy Board Act, 1998*, (the “Act”) seeking approval for changes to the rates that WN Hydro charges for electricity distribution, to be effective May 1, 2011.

The Board issued a Notice of Application and Hearing dated September 15, 2010. Energy Probe Research Foundation (“Energy Probe”), Vulnerable Energy Consumers Coalition (“VECC”) and School Energy Coalition (“SEC”) applied for intervenor status. Energy Probe, VECC and SEC applied for cost eligibility. No objections were received from the Applicant. The Board received two letters of comment.

The Board has determined that Energy Probe, VECC and SEC 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*.

In its application filed on August 27, 2010, WN Hydro filed a request that the names of third-party suppliers within the section of its application entitled: “Purchase of Products and Services from Non-Affiliates” (Exhibit 4/pages 97-101) be held in confidence by the Board pursuant to the Board’s *Practice Direction on Confidential Filings* (the “Practice Direction”). WN Hydro stated that it would make the information available pursuant to the Practice Direction if the information is required to be disclosed.

The Board finds that WN Hydro has not followed the Practice Direction in making its claim for confidentiality. Section 5.1.4 of the Practice Direction identifies that the request for confidentiality must be identified under a cover letter, and must indicate the reasons why public disclosure of the information would be detrimental. Appendix B also provides considerations that parties must assess in determining a request for confidentiality. Finally, a confidential, unredacted version of the document must be marked “confidential” and filed with the Board. WN Hydro has not complied with the Practice Direction in these areas, and the Board directs WN Hydro to update its pre-filed application to fully comply with 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 receipt of WN Hydro’s update. Subsequent to any and all submissions received pursuant to this Procedural Order, the Board intends to make its findings with respect to WN Hydro’s claim for confidentiality.

Parties wishing to see the proposed confidential information prior to making their submissions may execute and file the Board’s Declaration and Undertaking with the Board and send a copy to the applicant. The Declaration and Undertaking can be found as Appendix D to the Practice Direction. WN Hydro will provide copies of the proposed confidential information to these parties upon receipt of the Declaration and Undertaking.

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 oral component will be in the form of a technical conference, and may also include an oral hearing.

The Board has decided to make provision at this time for written interrogatories, to be 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 notes that there is overlap between the timing of interrogatories and the Board's determination on the claim for confidentiality. Given the limited nature of the information for which WN Hydro has claimed confidentiality, the Board views that this overlap should not pose problems, while expediting the consideration of the application. If there is a need for additional interrogatories related to the material for which confidentiality is being claimed, then, following the Board's decision with respect to confidentiality, the Board will amend the process and timeline to allow for additional discovery.

In the event the confidentiality request is granted, the Board expects all parties to, where possible, frame interrogatories and technical conference questions related to the confidential material in a manner that will allow the questions and responses to be placed on the public record.

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. Waterloo North Hydro Inc. shall file by **November 11, 2010** a covering letter clearly documenting the information for which it is claiming confidentiality, including the reasons as to why public disclosure of the information would be detrimental, in compliance with the Practice Direction on Confidential Filings. Waterloo North Hydro Inc. shall file with the Board a complete, unredacted version of the information for which confidentiality is being claimed, with all pages marked confidential.
2. Board staff and intervenors may file with the Board and deliver to Waterloo North Hydro Inc. and other parties any submissions with respect to the claim for confidentiality submitted by Waterloo North Hydro Inc. Such submissions shall be filed on or before **November 17, 2010**.

3. Waterloo North Hydro Inc. may file a reply submission on or before **November 22, 2010** responding to any submissions filed by Board staff and intervenors with respect to Waterloo North Hydro Inc.'s claim for confidentiality.
4. Board staff shall request information and material from Waterloo North Hydro Inc. that is in addition to Waterloo North Hydro Inc.'s pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Waterloo North Hydro Inc. and all intervenors on or before **November 22, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.
5. Intervenors who wish information and material from Waterloo North Hydro Inc. that is in addition to Waterloo North Hydro Inc.'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 Waterloo North Hydro Inc. on or before **November 26, 2010**. Where possible, the questions should specifically reference the pre-filed evidence.
6. Waterloo North Hydro Inc. shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **December 10, 2010**.

All filings to the Board must quote the file number, EB-2010-0144, 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.

Attention:

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Filings : www.errr.oeb.gov.on.ca
E-mail: Boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, **November 5, 2010**

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix 'A'

To

Procedural Order No. 1

Waterloo North Hydro Inc.

EB-2010-0144

Applicant and List of Intervenors

November 5, 2010

**Waterloo North Hydro Inc.
EB-2010-0144**

APPLICANT & LIST OF INTERVENORS

November 5, 2010

APPLICANT

Rep. and Address for Service

Waterloo North Hydro Inc.

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Waterloo North Hydro Inc.

Rep. and Address for Service

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INTERVENORS

**Energy Probe Research
Foundation**

Rep. and Address for Service

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**Waterloo North Hydro Inc.
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APPLICANT & LIST OF INTERVENORS

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November 5, 2010

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Foundation**

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School Energy Coalition

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**Vulnerable Energy
Consumers Coalition**

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Waterloo North Hydro Inc.

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APPLICANT & LIST OF INTERVENORS

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November 5, 2010

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