



EB-2009-0269

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 Newmarket – Tay Power Distribution Ltd. for an order approving just and reasonable rates and other charges for electricity distribution.

PROCEDURAL ORDER No. 4

Newmarket – Tay Power Distribution Ltd. (“Newmarket – Tay” or “the Applicant”) filed an application with the Ontario Energy Board (the “Board”), received on July 22, 2010 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that Newmarket – Tay charges for electricity distribution.

The Board issued Procedural Order No. 1 on September 8, 2010 approving the intervenors and ordering Board staff and intervenors wishing to comment on the Draft Issues List to file with the Board any comments no later than Tuesday September 14, 2010.

The Board issued Procedural Order No. 2 on September 22, 2010 approving the Issues List and setting dates for interrogatories and responses. Interrogatory responses were due on October 22, 2010.

In a letter dated October 22, 2010, Newmarket – Tay requested an extension of the deadline for interrogatory responses. It stated that it would be filing as many of the interrogatories as possible by October 25, 2010, however, it requested the deadline for interrogatory responses be extended to November 3, 2010. The Board issued Procedural Order No. 3 on October 26, 2010 granting an extension in the deadline for filing interrogatory responses to November 3, 2010.

Newmarket – Tay has yet to file any responses.

The Board now finds it necessary to expedite this hearing by making provisions through the setting of dates for a Technical Conference and a Settlement Conference. The Board also finds it necessary to set one further date for the delivery of interrogatory responses as Newmarket Tay has missed two previous Board ordered dates.

Newmarket – Tay is cautioned to adhere to the timeline set out below.

Please be aware that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. All interrogatory responses **must** be filed by Newmarket – Tay no later than **Thursday November 18, 2010**.
2. A transcribed Technical Conference will be convened on **Tuesday November 23, 2010**, starting at 9:00 a.m. If necessary, the Technical Conference will continue on **November 24, 2010**, starting at 9:00 a.m. The Technical Conference will be held at 2300 Yonge Street, Toronto in the Board's North Hearing Room on the 25th Floor. Parties participating in the Technical Conference are requested to file with the Board and copy Newmarket – Tay Power Distribution Ltd. and all other parties, by **November 22, 2010** a list of issues or questions or matters which they seek to address or seek clarification on at the Technical Conference.
3. A Settlement Conference will be convened on **December 13, 2010**, starting at 9:00 a.m. If necessary, the Settlement Conference will continue on **December 14, 2010**, starting at 9:00 a.m. The Settlement Conference will be held at 2300 Yonge Street, Toronto in the Board's ADR Room on the 25th Floor.

All filings to the Board must quote file number EB-2010-0269, 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, 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. 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. If you have submitted through the Board's web portal an e-mail is not required.

All communications shall 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, November 16, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary