

**Ontario Energy  
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**BY FAX**

November 19, 2010

J. Shewchun  
8300 McCarthur Drive  
Campbellville, ON  
L0P 1B0  
Fax: (905) 854-9871

**Dear Ms. Shewchun:**

**Re: EB-2010-0137 – Milton Hydro Distribution Inc. 2011 Electricity  
Distribution Rates**

The Ontario Energy Board ("Board") is in receipt of your letter dated November 17, 2010 which also refers to your intervenor request letter of October 2, 2010.

In your most recent correspondence, you request that the Board suspend the Milton Hydro Distribution Inc. ("Milton") electricity distribution rate application (EB-2010-0137) pending a written response from the Board in regard to your request for:

1. a public hearing in the Town of Milton;
2. evidence that Milton has provided the public with adequate notice of this matter;  
and
3. an explanation of the Board's hearing process and in particular, why the process is "fair".

As to your first issue, no decision has yet been made as to whether the Board will hold a written or oral hearing in this matter, nor the location or date of the hearing. To date, the evidence of Milton has been filed and parties have had an opportunity to file written questions (called interrogatories) on that evidence. Milton requested an extension to November 23, 2010 to file written answers to those questions and the Board granted that extension. Once those answers are filed, the Board has ordered that a technical conference take place on December 3, 2010. This is an opportunity for all intervenors to ask questions of the utility in order to further clarify the evidence. Once the technical conference is complete, there is provision in Procedural Order No. 2 for a settlement conference, after which the adjudicative panel will determine the next steps in the

process. It is, therefore premature to consider your request for a public hearing in the Town of Milton.

The Board would like to stress, however, that the process described above is a public process. All documentation filed in this matter is being provided to all intervenors and is available on the Board's website at <http://www.oeb.gov.on.ca> under case number EB-2010-0137. All parties are entitled to review all of the evidence, file written interrogatories, participate in the technical conference and in whatever next steps the Board sets out.

In terms of Notice, the *Ontario Energy Board Act, 1998* requires that before the Board makes an order under the Act, it must hold a hearing "...after giving notice in such manner and to such persons as the Board may direct". To that end, on September 15, 2010, the Board issued a Letter of Direction to Milton requiring it to, among other things, publish the Board's Notice "...in one issue of the English language newspaper having the highest paid circulation, according to the best information available, in Milton Hydro Distribution Inc.'s service area." On September 28, 2010 the Board received an affidavit dated September 27, 2010 from Milton confirming that it had published the Notice as required.

Finally, with respect to your question about fairness, we point you to the *Ontario Energy Board Act, 1998* which sets out the Board's objectives, mandate and powers, including statutory requirements with respect to holding hearings. The Board is also governed by the *Statutory Powers Procedure Act* which applies to all statutory tribunals that hold hearings before making decisions and speaks to procedural issues, including notice requirements, the rights of parties and other requirements intended to ensure the fairness of a hearing. The Board also has its own Rules of Practice and Procedure, which guides the conduct of all parties in the context of written and oral hearings to ensure that the requirements associated with various processes are clear, transparent and result in fairness for all parties. All of these documents can be obtained through the Board's website

The legislation and rules referred to above set out requirements designed to ensure that the requirements of natural justice and procedural fairness are met in the course of the Board's hearing work. Simply put, in the context of the Board's mandate and oral hearing process natural justice and procedural fairness requires that the applicant and interested parties:

- be given adequate notice of the hearing;
- be given an opportunity to prepare and present evidence;
- be given an opportunity to view the evidence that is before the tribunal and ask questions about that evidence;
- be heard by participating in either a written or oral process;
- have an impartial decision-maker; and
- be provided with a decision based on evidence and with reasons supporting the decision.

As an intervenor you are entitled to review all documentation filed in the Milton hearing and to participate fully in the hearing process, including the upcoming technical conference and settlement conference and whatever future process may be outlined by the Board in future procedural orders.

The Board has determined that there are no grounds that warrant a suspension of Milton's electricity distribution rate case.

Yours truly,

Original Signed By

Kirsten Walli  
Board Secretary