



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. 3

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 15, 2010. Energy Probe Research Foundation ("Energy Probe"), Vulnerable Energy Consumers Coalition ("VECC") and School Energy Coalition ("SEC") and Joan Shewchun applied for and were granted intervenor status. The Board received one request for observer status and two letters of comment.

Ms. Shewchun has raised a concern about the adequacy of notice in this proceeding and whether the Applicant has complied with the Board's Letter of Direction dated September 15, 2010. The Board has considered the issue and has determined that it will require Milton Hydro to provide evidence with respect to its decision to publish the Notice of Application for this matter in the Milton Canadian Champion. In particular, the Board wishes Milton Hydro to provide information with respect to the distribution and readership of the Milton Canadian Champion within Milton Hydro's service area in general and if possible, for the issue of the Milton Canadian Champion in which the Notice of Application was published. In addition, Milton Hydro should provide any

information it may have about any alternative publications in which it considered publishing the Notice of Application and why it decided not to so publish.

Ms. Shewchun has also expressed a preference for the Board to hold an oral hearing in this proceeding in the Town of Milton. The Board has not determined whether there will be an oral or written hearing of this matter. That decision will be made in due course. The Board has, however, considered Ms. Shewchun's request that any oral hearing be held in the Town of Milton and has determined that if it does hold an oral hearing, the hearing will take place at the Board's offices.

There are several reasons for this determination. First, there is significant expense associated with holding a hearing in a location other than the Board's offices. That expense would ultimately be visited upon Milton's ratepayers. Second, Ms. Shewchun, is the only intervener that has requested the hearing be held in Milton. Ms. Shewchun is an individual ratepayer that represents her interests and does not purport to represent the interests of any other group. Further, Ms. Shewchun has not submitted any written interrogatories, declined to participate in the Technical Conference held on December 3, 2010, either in person or by teleconference and has indicated to Board staff that she has not and will not review Milton Hydro's Cost of Service application in this matter. The Board therefore finds that it would be inappropriate to go to the significant expense of moving any oral hearing that it may have to the Town of Milton for a single ratepayer intervener that has declined to participate in the substantive review of Milton Hydro's application to this point.

THE BOARD ORDERS THAT:

1. Milton Hydro shall file evidence regarding the publication of the Notice for this proceeding in the Milton Canadian Champion by end of day **December 7, 2010**.
2. Any responding submissions are to be filed on or before **December 9, 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, **December 07, 2010**

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary