



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. 5

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 time period allotted for interrogatory responses. The Board issued Procedural Order No. 3 on October 26, 2010 granting an increase of the time allotment and established the deadline for filing interrogatory responses as being November 3, 2010.

Newmarket- Tay did not comply with the filing deadline set in Procedural Order No. 3. As a result, the Board issued a further Procedural Order on November 16, 2010,

directing Newmarket – Tay to file its responses to the interrogatories by November 18, 2010. That Procedural Order further directed that parties convene for a Technical Conference and a Settlement Conference. Due to factors previously unknown, the Board now finds it necessary to amend the dates for the Technical Conference and for the Settlement Conference.

Please note that the Board may amend this Procedural Order and may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. A transcribed Technical Conference will be convened on **Thursday January 6, 2011**, starting at 9:00 a.m. If necessary, the Technical Conference will continue on **January 7, 2011**, starting at 9:00 a.m. The Technical Conference will be held at 2300 Yonge Street, Toronto in the Board's West 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 a list of issues or questions or matters which they seek to address or seek clarification on at the Technical Conference by **January 4, 2011**.
2. A Settlement Conference will be convened on **Monday January 10, 2011**, starting at 9:00 a.m. If necessary, the Settlement Conference will continue on **January 11 and 12, 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. Newmarket – Tay will file any settlement, or partial settlement, with the Board no later than **Friday January 28, 2010**.
3. An oral hearing will commence on **Thursday February 10, 2011** starting at 9:30 a.m. to present the Settlement Agreement. The oral hearing will be held at 2300 Yonge Street, Toronto in the Board's West Hearing Room on the 25th Floor. The Board will also proceed to hear the issues not settled if a complete settlement was not been achieved. The Board has also made provision to continue the oral on **Friday February 11** and **Monday February 14, 2011** if additional time is required.

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, December 8, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary