



EB-2010-0400

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 Algoma
Power Inc. for an order approving just and reasonable
rates and other charges for the distribution of electricity to
be effective July 1, 2010 and January 1, 2011.

NOTICE OF MOTION AND PROCEDURAL ORDER NO. 1

Algoma Power Inc. (“Algoma Power”) filed a letter (“letter”) with the Ontario Energy Board (the “Board”) on December 17, 2010 regarding the Rate Order (“Rate Order”) in the matter of EB-2009-0278 issued by the Board on December 13, 2010. Algoma Power requested that the Board make the Rate Order interim and issue a revised Rate Order to reflect certain corrections which it outlined and explained in the letter.

The Board views the relief sought by Algoma Power as a motion for a review and variance of the Rate Order and will proceed on this basis in accordance with the Board’s Rules of Practice and Procedure.

The Motion has been assigned file number EB-2010-0400.

Motion

Algoma Power is requesting that the Residential – R2 customer class Rate Rider for Deferral/Variance Account Disposition – effective until May 31, 2013 (“Rate Rider”), which appears as \$0.0044 per kW, be replaced with \$2.0491 per kW.

Algoma Power indicated that due to an oversight on its part the Rate Rider was incorrectly calculated, both in the application and subsequent record. Algoma Power had calculated the amount using kWhs (consumption) as the charge determinant rather than kW (billing demand). The correction would see the rate rider rate change from the \$0.0044 per kW, which appears in the Rate Order, to \$2.0491 per kW.

Algoma Power also indicated that the bill impacts which were included in its Draft Rate Order, dated November 22, 2010, would need to be revised. The bill impact in the Draft Rate Order showed that the average Residential – R2 customer with a billing demand of 225 kW and non-uplifted consumption of 90,000 kWh would experience an approximate 1% reduction on their total bill or \$117.03 less per month. By correcting the oversight and applying the Rate Rider of \$2.0491 per kW, that same customer would experience an increase of 3.48% or \$402.83 per month.

The Board will proceed with a written hearing to consider the merits of the Motion and will provide for written submissions.

The Board will adopt as intervenors in this proceeding, the intervenors and any other parties of record from the EB-2009-0278 proceeding. A list of the parties of record in that proceeding is attached as Appendix A. Any party that is not automatically adopted as an intervenor by the Board in this proceeding and wishes to participate as an intervenor or observer must notify the Board Secretary's Office immediately.

The Board will declare the Tariff of Rates and Charges in the matter EB-2009-0278, issued with the Board's Rate Order dated December 13, 2010, interim, effective January 1, 2011. The Board informs parties that they are to view the declaration of interim rates as an administrative matter and not indicative of any future determination of the Board regarding this Motion.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further Procedural Orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. The Tariff of Rates and Charges in the matter EB-2009-0278, issued with the Board's Rate Order dated December 13, 2010, is made interim, effective January 1, 2011.
2. Algoma Power shall file with the Board Secretary confirmation that it has served the parties to the EB-2009-0278 proceeding with Algoma Power's letter to the Board dated December 17, 2010.
3. Intervenors and Board staff may file Submissions on the Motion. The Submissions shall be filed with the Board and copied to all parties of record in the EB-2009-0278 proceeding, and any new parties that the Board may adopt, on or before **January 14, 2011**.
4. Algoma Power may file a reply Submission. The Submission shall be filed with the Board and copied to all parties of record in the EB-2009-0278 proceeding, and any new parties that the Board may adopt, on or before **January 21, 2011**.
5. The Board may order costs in this proceeding. Any party that was determined to be eligible for costs in the EB-2009-0278 proceeding shall be eligible for costs in this proceeding. Any party that is not automatically eligible for costs but expects to seek costs in this proceeding shall file a letter with the Board and copy Algoma Power no later than **December 30, 2010** which letter shall provide the grounds for the party's eligibility for costs. Algoma Power will have until **January 6, 2011** to object to any new cost eligibility request. Requests for cost eligibility and the determination of cost awards will be addressed in accordance with the Board's Practice Direction on Cost Awards. Algoma Power will be ordered to pay costs for this proceeding.

All filings to the Board must quote file number EB-2010-0400, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please 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 e-mail your document to Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette 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, and be received no later than **4:45 p.m.** on the required date.

ISSUED at Toronto, December 23, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"

TO

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

BOARD FILE NO: EB-2009-04000

DATED: DECEMBER 23, 2010

**Algoma Power Inc.
EB-2009-0278**

APPLICANT & LIST OF INTERVENORS

September 14, 2010

APPLICANT

Rep. and Address for Service

Algoma Power Inc.

Douglas Bradbury

Director
Algoma Power Inc.
1130 Bertie St.
P.O. Box 1218
Fort Erie, ON L2A 5Y2

Tel: 905-994-3634
Fax: 905-994 2207
doug.bradbury@cnpower.com

APPLICANT COUNSEL

Andrew Taylor

Andrew Taylor, Energy Law
120 Adelaide Street West
Suite 2500
Toronto ON M5H 1T1
Tel: 416-644-1568
Fax: 416-367-1954
ataylor@energyboutique.ca

INTERVENORS

Rep. and Address for Service

Algoma Coalition

Paul Cassan

Wishart Law Firm LLP
390 Bay Street
Suite 500
Sault Ste. Marie ON P6A 1X2
Tel: 705-949-6700 Ext: 230
Fax: 705-949-2465
pcassan@wishartlaw.com

Algoma Power Inc.
EB-2009-0278

APPLICANT & LIST OF INTERVENORS

- 2 -

September 14, 2010

**Energy Probe Research
Foundation**

Peter Faye

Counsel

42 Eastwood Crescent
Markham ON L3P 5Z7
Tel: 905-294-2013
Fax: Not Provided
pfaye@rogers.com

Olena Loskutova

Energy Probe Research Foundation
225 Brunswick Ave.
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 234
Fax: 416-964-8239
olena.loskutova@gmail.com

David MacIntosh

Case Manager
Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 235
Fax: 416-964-8239
DavidMacIntosh@nextcity.com

Garden River First Nation

Janine Zack

Executive Assistant to Chief & Council
Garden River First Nation
7 Shingwauk St. RR#4
Garden River ON P6A 6ZB
Tel: 705-946-6300
Fax: 705-945-1415
jzack10@hotmail.com

**Algoma Power Inc.
EB-2009-0278**

APPLICANT & LIST OF INTERVENORS

- 3 -

September 14, 2010

**Great Lakes Power
Transmission LP**

Andy McPhee

Vice President and General Manager
Great Lakes Power Limited
2 Sackville Road
Sault Ste. Marie ON P6B 6J6
Tel: 705-941-5661
Fax: 705-941-5600
amcphee@glp.ca

Charles Keizer

Torys LLP
79 Wellington St. W.
Suite 3000, Maritime Life Tower
P.O. Box 270, TD Centre
Toronto ON M5K 1N2
Tel: 416-865-0040
Fax: 416-865-7380
ckeizer@torys.com

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Public School Boards' Association
c/o Ontario Public School Boards Associa
439 University Avenue
18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wmcnally@opsba.org

**Algoma Power Inc.
EB-2009-0278**

APPLICANT & LIST OF INTERVENORS

- 4 -

September 14, 2010

School Energy Coalition

Jay Shepherd

Jay Shepherd Professional Corporation
120 Eglinton Avenue East
Suite 500
Toronto ON M4P 1E2
Tel: 416-804-2767
Fax: Not Provided
jay.shepherd@canadianenergylawyers.com

**Vulnerable Energy Consumers
Coalition**

William Harper

Senior Consultant
Econalysis Consulting Services Inc.
34 King Street E.
Suite 1102
Toronto ON M5C 2X8
Tel: 416-348-0193 Ext: 29
Fax: 416-348-0641
bharper@econalysis.ca

Michael Buonaguro

Counsel
Public Interest Advocacy Centre
34 King St. E., Suite 1102
Toronto ON M5C 2X8
Tel: 416-767-1666
Fax: 416-348-0641
mbuonaguro@piac.ca