



**EB-2010-0354**

**IN THE MATTER OF** the *Ontario Energy Board Act*,  
1998, S.O. 1998, c.15, Schedule B;

**AND IN THE MATTER OF** a motion by Toronto Hydro-  
Electric System Limited requesting the Board to review  
and vary certain aspects of its Decision EB-2010-0193  
dated October 29, 2010.

**AND IN THE MATTER OF** Rules 42, 44.01 and 45.01  
of the Board's *Rules of Practice and Procedure*.

### **NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1**

Toronto Hydro-Electric System Limited ("Toronto Hydro") filed an application with the Ontario Energy Board, (the "Board"), received on May 14, 2010, under section 78 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, to be effective May 1, 2011, subsequently revised to November 1, 2010. The application was for recovery of approved contact voltage remediation costs arising out of the Board's Decision on Toronto Hydro's EB-2009-0243 application for recovery of these costs. The Board assigned file number EB-2010-0193 to the application. The Board issued its Decision related to this application on October 29, 2010.

On November 18, 2010, Toronto Hydro filed a Notice of Motion to Review and Vary this Decision and Order (the "Motion").

Toronto Hydro requested that the Motion be heard orally.

On December 10, 2010, the Board issued an acknowledgement letter which noted Toronto Hydro's request that the Motion be heard orally and inviting comments from parties to the EB-2010-0193 proceeding as to whether an oral or written hearing should be held. The Board stated that once these comments had been received, a Notice and Procedural Order would be issued in due course. The Board has reviewed the comments which were received on this matter. No parties expressed opposition to Toronto Hydro's request that an oral hearing should be held on the Motion.

The Board has determined that it will proceed under Rule 45.01 of the Board's *Rules of Practice and Procedure* to hear the threshold question of whether this matter should be reviewed through an oral hearing. Should the Board determine that the threshold has been met, the Board will also consider the merits of the Motion at the same oral hearing.

The Board will adopt as intervenors in this proceeding the intervenors and any other parties of record from the EB-2010-0193 proceeding.

The Board will permit Toronto Hydro to file additional materials related to the motion. The Board will then permit Board staff and intervenors to make any submissions they may wish on the Motion, including both the threshold issue and the substance of the Motion, before proceeding to the oral hearing.

The Board may issue further procedural orders from time to time.

**THE BOARD THEREFORE ORDERS THAT:**

1. Toronto Hydro may file additional evidence relevant to the Motion by **January 21, 2011**.
2. Board staff may make submissions relevant to the Motion by **February 4, 2011**.
3. Intervenors may make submissions relevant to the Motion by **February 11, 2011**.
4. The oral hearing of the Motion will commence at 9:30 am on **March 10, 2011** in the Board's hearing room at 2300 Yonge Street, Toronto.

5. Any filings to the Board must quote file number EB-2010-0354, be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://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 should use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available you may email your document 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.
6. 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.

**ISSUED** at Toronto, January 14, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary