



**EB-2010-0138**

**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 Niagara Peninsula Energy Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2011.

### **PROCEDURAL ORDER No. 1**

Niagara Peninsula Energy Inc. ("Niagara Peninsula") filed an application with the Ontario Energy Board, received on November 26, 2010, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Niagara Peninsula charges for electricity distribution, to be effective May 1, 2011. The Board has assigned the application File Number EB-2010-0138.

The Board issued a Notice of Application and Hearing on December 16, 2010. Energy Probe Research Foundation ("Energy Probe"), the School Energy Coalition ("SEC"), and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. Mr. Jacob Birch requested intervenor status and did not apply for cost eligibility. Ms. Marie Goertzen applied for observer status.

The Board has determined that Mr. Birch, Energy Probe, SEC, and VECC will be granted intervenor status, and that Ms. Goertzen will be granted observer status. The list of intervenors in this proceeding is attached as Appendix A to this Order. The Board has also determined that Energy Probe, SEC, and VECC are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board has decided to proceed with this matter as a written hearing. However it is open to the Board to make a determination at a later time to have an oral component to

this proceeding. At this time the Board makes provision for written interrogatories. After its review of the responses, the Board will determine the next steps including whether provision should be made for additional written interrogatories, a technical conference or a settlement conference.

The Board considers it necessary to make provision for the following procedural matters.

**THE BOARD ORDERS THAT:**

1. Board staff and intervenors who wish information and material from Niagara Peninsula that is in addition to the pre-filed evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Niagara Peninsula. Board staff shall file its interrogatories no later than **February 2, 2011**. Intervenors shall file their interrogatories no later than **February 7, 2011**
2. Niagara Peninsula shall file with the Board complete responses to all interrogatories and deliver them to the intervenors no later than **February 25, 2011**.

All filings to the Board must quote the file number, EB-2010-0138, 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. Please 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.

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.

**ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)  
Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**DATED** at Toronto, January 20, 2011

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary

**Appendix “A”**

**To The Procedural Order No. 1**

**EB-2010-0138**

**Niagara Peninsula Energy Inc.**

**January 20, 2011**

**Niagara Peninsula Energy Inc.  
EB-2010-0138**

**APPLICANT & LIST OF INTERVENORS**

January 20, 2011

**APPLICANT**

**Rep. and Address for Service**

**Niagara Peninsula Energy Inc.**

**Brian Wilkie**

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**INTERVENORS**

**Energy Probe Research  
Foundation**

**Rep. and Address for Service**

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**Niagara Peninsula Energy Inc.  
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**APPLICANT & LIST OF INTERVENORS**

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**Independent Participants -  
General Public**

**Jacob Birch**

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**School Energy Coalition**

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**Vulnerable Energy Consumers  
Coalition**

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**Niagara Peninsula Energy Inc.  
EB-2010-0138**

**APPLICANT & LIST OF INTERVENORS**

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January 20, 2011

**Vulnerable Energy Consumers    Bill Harper  
Coalition**

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