



EB-2010-0142

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 Toronto
Hydro-Electric System Limited for an order approving
just and reasonable rates and other charges for
electricity distribution to be effective May 1, 2011.

PROCEDURAL ORDER NO. 8

Toronto Hydro-Electric System Limited ("Toronto Hydro") filed an application, dated August 23, 2010, with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act*, 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.

The Board issued a Notice of Application and Hearing dated September 15, 2010.

On October 18, 2010, Procedural Order No.1 was issued establishing, among other items, the dates for which interrogatories were to be filed with the Board and responded to by Toronto Hydro.

On November 11, 2010, the Board issued its Issues List Decision and Procedural Order No. 2. In it, the Board approved a Final Issues List and confirmed the schedule for filing interrogatories and responses to interrogatories as set out in Procedural Order No. 1.

On December 6, 2010, Toronto Hydro filed its responses to interrogatories from parties.

On December 13, 2010, the Board issued Procedural Order No. 3 outlining further steps in this proceeding.

On January 12, 2011, the Board issued Decision on Confidentiality and Procedural Order No. 4 (the “Confidentiality Decision”) which dealt with confidentiality issues raised by Toronto Hydro and the scope of the settlement conference.

On January 14, 2011, the Smart Sub-metering Working Group (“SSMWG”), an intervenor in the proceeding, filed a Notice of Motion (the “Motion”) requesting, among other things, that the Board direct Toronto Hydro to provide full and complete answers to specified interrogatories of the SSMWG.

On January 18, 2011, the Board issued Procedural Order No.5 establishing that it would hear the Motion orally on January 19, 2011. The Board issued its Decision and Order on Motion on January 21, 2011.

On January 18, 2011, the Board issued Procedural Order No. 6 which dealt with confidentiality issues raised by the School Energy Coalition, an intervenor in the proceeding.

On January 21, 2011, the Board issued Procedural Order No. 7 which dealt with further confidentiality issues raised by Toronto Hydro.

On January 24, 2011, a Technical Conference was held and on January 25, 2011, the Settlement Conference commenced.

On January 26, 2011, the Board received a letter from counsel to Toronto Hydro requesting that the Board adjourn the settlement discussions in this proceeding until Toronto Hydro could file an update to its application to reflect material, late breaking mandatory accounting changes (the “Accounting Update”). In its letter, Toronto Hydro provided details of the update and justifications for it. Toronto Hydro also proposed changes to the schedule set out in Procedural Order No. 3 arising from the Accounting Update as follows:

1. Toronto Hydro would submit its updated evidence on February 9, 2011, or earlier if possible.

2. A transcribed technical conference limited to questions related to the Accounting Update would be held three business days later (Monday February 14th, if the updated evidence is filed on February 9th) in the Board's hearing rooms. Toronto Hydro requested that parties file any written questions with it and the Board by the morning of the business day before the start of the technical conference (Friday February 11th, if the updated evidence is filed on February 9th).
3. The Settlement Conference would resume on the business day following the completion of the technical conference.
4. The commencement of the oral phase of the hearing would be rescheduled to the first day of the week on which the Board sits following the completion of the Settlement Conference. Any Settlement Proposal arising from the Settlement Conference would be filed with the Board on this date and the presentation of the agreement, if any, would be made at the commencement of the oral hearing. Toronto Hydro suggested that by way of example, if its evidence update is filed on February 9, 2011, the Settlement Conference would reconvene on February 15, 2011 and, if needed, would continue until February 18, 2011 and the oral hearing would commence on February 22, 2011.

The Board has received comments to date from counsel for the Association of Major Power Consumers in Ontario (AMPCO), the Consumers Council of Canada (CCC) and the School Energy Coalition (SEC). The Board invites comments from other intervenors as to the revised schedule proposed by Toronto Hydro as set out above.

The Board approves the adjournment of the settlement discussions.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Intervenors wishing to comment on Toronto Hydro's proposed revisions to the schedule set out in Procedural Order No. 3 shall file such comments with the Board and deliver them to Toronto Hydro no later than by **January 28, 2011**.

2. The settlement conference that commenced on January 25, 2011 is adjourned until further notice.

All filings to the Board must quote file number EB-2010-0142, 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. If the web portal is not available parties may email their 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.

Address

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ISSUED at Toronto, January 27, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary