



EB-2010-0367

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

AND IN THE MATTER OF an application under section
74 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.
15, Schedule B for a licence amendment by EnWin
Utilities Ltd. seeking an exemption from their Time-Of-Use
Pricing date for Regulated Price Plan Consumers;

PROCEDURAL ORDER NO. 1

EnWin Utilities Ltd., ("EnWin") filed an application with the Ontario Energy Board on December 9, 2010, under section 74 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B for a licence amendment seeking an exemption from their mandated date for implementation of Time-Of-Use Pricing for Regulated Price Plan Consumers ("RPP"). The Board assigned the application file number EB-2010-0367.

The Board issued a Notice of Application and Written Hearing for the proceeding on December 31, 2010. On January 18, 2011, Board staff responded to the Notice with interrogatories for the applicant. On January 27, 2011 the applicant responded to Board staff's interrogatories.

On February 3, 2011, Board staff requested additional time to review these materials prior to filing their submission. Board staff's reasons for this request were that the evidence filed by EnWin is more complex than other TOU exemption applications before the Board and it has sought an 18 month extension, which is the longest extension requested by an applicant so far for a distributor's entire customer base. On February 4, 2011 EnWin replied and took issue with Board staff's characterization of the application, pointing out that in a similar application, Board staff were able to make their submission within one week of the interrogatory responses being filed. However, Enwin acknowledged that this is an important application for Enwin, and if Board staff requires additional time to consider its submission and the delay does not prejudice EnWin or its ratepayers, EnWin would not oppose the request.

It is unfortunate that Board staff's request was not made until the day that the submission was due. However, the Board finds that it is important to have a complete record for the determination of this application, and will grant the request for extension.

Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. If Board staff wishes to make a submission, Board staff must file that submission with the Board, and deliver it to the applicant by **February 17, 2011**.
2. If EnWin wishes to file a response to a submission, the response must be filed with the Board by **March 3, 2011**.

All filings to the Board must quote file number EB-2010-0367, 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. 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 email your document to the address below.

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.

Addresses

The Board

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

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@oeb.gov.on.ca

The Applicant

EnWin Utilities Ltd.
P.O. Box 1625
787 Ouellette Avenue
Windsor ON N9A 5T7
Attention: Andrew J. Sasso

Tel: 519-255-2735
Fax: 519-973-7812
E-mail: regulatory@enwin.com

DATED at Toronto, February 9, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary