



EB-2009-0180
EB-2009-0181
EB-2009-0182
EB-2009-0183

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

AND IN THE MATTER OF an application pursuant to section 60(1) of the *Ontario Energy Board Act, 1998* by 1798594 Ontario Inc. seeking an electricity distribution licence;

AND IN THE MATTER OF an application pursuant to section 86(1)(a) of the *Ontario Energy Board Act, 1998* by Toronto Hydro Energy Services Inc. seeking an order granting leave to sell streetlighting assets as an entirety or substantially as an entirety to 1798594 Ontario Inc.;

AND IN THE MATTER OF an application pursuant to section 86(1)(b) of the *Ontario Energy Board Act, 1998* by Toronto Hydro Energy Services Inc. seeking an order granting leave to sell streetlighting assets necessary in serving the public to 1798594 Ontario Inc.;

AND IN THE MATTER OF an application pursuant to section 86(1)(c) by Toronto Hydro-Electric System Limited and 1798594 Ontario Inc. seeking leave to amalgamate;

AND IN THE MATTER OF a request pursuant to section 77(5) of the *Ontario Energy Board Act, 1998* by 1798594 Ontario Inc. seeking the cancellation of the distribution licence applied for in a separate application under section 60 of the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF an application pursuant to section 18(2) of the *Ontario Energy Board Act, 1998* by 1798594 Ontario Inc. and Toronto Hydro-Electric System Limited for an order assigning Toronto Hydro-Electric System Limited's electricity distribution licence to a proposed amalgamated entity consisting of 1798594 Ontario Inc. and Toronto Hydro-Electric System Limited.

PROCEDURAL ORDER NO. 4

On June 15, 2009, Toronto Hydro Corporation's subsidiaries, 1798594 Ontario Inc. ("NewCo"), Toronto Hydro Energy Services Inc. ("THESI") and Toronto Hydro-Electric System Limited ("THESL") collectively referred to as the "Applicants" filed applications with the Ontario Energy Board (the "Board") under sections 60(1), 86(1)(a)(b)(c) and 77(5) of *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) (the "Act"). The applications were later amended to include a request for an order under section 18(2) of the Act and to withdraw the request which had been made under section 77(5) of the Act. The Board assigned the applications file numbers EB-2009-0180, EB-2009-0181, EB-2009-0182 and EB-2009-0183.

The applications collectively sought a declaration by the Board that streetlighting assets in the City of Toronto, owned by THESI, are deemed to be a distribution system and, ultimately, to make those assets part of a new amalgamated distribution company consisting of THESL and NewCo.

The Board issued its Decision and Order on the applications on February 11, 2010 (the "Decision"). In the Decision, the Board approved the transfer of assets that it considered to be distribution assets. Those assets were specifically identified in the Decision. The approval was conditional on the Applicants filing additional evidence setting out the revised transactions including an asset valuation within 90 days. The filing date was later extended to January 31, 2011.

In its Decision, the Board indicated that it was unable, on the evidence before it, to determine the proper classification for the expressway lighting. The Board asked the Applicants to provide an asset valuation for this category of assets in their additional evidence and to provide further evidence as to whether these assets should be classified as distribution or non-distribution assets.

In the Decision, the Board indicated that intervenors will have the opportunity to submit interrogatories on the additional evidence and that the Board will make provision for further submissions by way of procedural order.

In accordance with the Board's Decision and the Board's letter of March 9, 2010, the Applicants filed additional evidence with the Board on January 31, 2011 (the "Additional Evidence").

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

THE BOARD ORDERS THAT:

1. Intervenor or Board staff wishing information and material from the Applicants that is in addition to the Applicants' Additional Evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicants on or before **March 8, 2011**. Where possible, the questions should specifically reference the Additional Evidence.
2. The Applicants shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **March 23, 2011**.
3. Intervenor or Board Staff wishing to file a written submission on the Applicants' Additional Evidence shall file their submission with the Board and serve it on the Applicants and all intervenors on or before **April 19, 2011**.
4. If the Applicants wish to file a written reply submission, they shall file their reply submission with the Board and serve it on all intervenors on or before **May 10, 2011**.

Any filings to the Board must quote file numbers EB-2009-0180, EB-2009-0181, EB-2009-0182 and EB-2009-0183, 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. 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 at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS OF 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

ISSUED at Toronto, February 18, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary