



**EB-2010-0331**  
**EB-2010-0332**

**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 Hydro One Brampton Networks Inc. for an Order or Orders granting approval of initiatives and amounts related to the Conservation and Demand Management Code;

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. for an Order or Orders granting approval of initiatives and amounts related to the Conservation and Demand Management Code.

### **PROCEDURAL ORDER NO. 5**

Hydro One Brampton Networks Inc. ("Hydro One Brampton", collectively "the Applicant") and Hydro One Networks Inc. ("Hydro One", collectively "the Applicant") each filed an application with the Ontario Energy Board (the "Board"), dated November 1, 2010 seeking an order granting approval of funding for six individual conservation and demand management ("CDM") programs. The Board assigned file number EB-2010-0331 to the Hydro One Brampton application and file number EB-2010-0332 to the Hydro One application.

The applications have been filed pursuant to the Board's CDM Code that was issued on September 16, 2010. The CDM Code was developed by the Board in response to a Directive from the Minister of Energy dated March 31, 2010.

In its application Hydro One sought recovery of approximately \$32 million in costs associated with its slate of programs. Hydro One Brampton sought approximately \$8 million.

In its Notice of Application and Hearing, issued November 19, 2010, the Board combined the hearings on these applications. By Procedural Order No. 1, the Board ordered that an oral hearing for the applications would commence on February 3, 2011.

On February 1, 2011, the Board issued Procedural Order No. 2 revising the schedule for the hearing. This was done in response to a letter received from the School Energy Coalition.

On March 2, 2011, the Board sent a letter to all parties in the proceeding informing them that at the outset of the oral hearing scheduled for March 4, 2011, the Board was interested in hearing submissions from parties regarding four preliminary matters.

On March 4, 2011, the Board heard submissions from parties on the four issues noted above. On March 7, 2011, the Board reconvened and provided its Decision on the issues set out above orally.

On March 8, 2011, the Board issued Procedural Order No. 4 reiterating its determinations from the oral hearing and providing a schedule for Hydro One to file outstanding information.

On March 10, 2011, the Applicant filed a letter notifying the Board that it wished to withdraw its applications for Board-Approved CDM programs. Within its letter the Applicant noted it was concerned that it may be some considerable time before it was able to file the requested evaluation plans and that the OPA programs may not yet be at the stage required by the Board to determine if the Applicant's programs are not duplicative.

On March 11, 2011, counsel for the School Energy Coalition ("SEC") requested that the Board make a ruling on whether the information which had been redacted by the Applicants respecting the proposed budgets for their CDM programs should remain confidential. On March 15, 2011, the Applicant filed a response to the SEC letter and urged the Board to reject SEC's request.

The Board has determined that it will not grant SEC's request. In the Board's view, the information requested has little or no probative value for any other application, given that it is untested and unproven. In addition, the Board sees no reason to make the

ruling requested by SEC in light of the fact that the application in which it was filed has been withdrawn.

As a result of the Applicant withdrawing its applications for Board-Approved CDM programs, the Board feels it is necessary to provide the following guidance for the next steps of the proceeding.

**THE BOARD ORDERS THAT:**

1. Hydro One Networks Inc. and Hydro One Brampton Networks Inc. will be granted permission to withdraw their applications for Board-Approved CDM programs, pursuant to section 20.01(b) of the Board's *Rules of Practice and Procedure*.
2. Intervenors eligible for an award of costs shall file their cost submissions in accordance with the *Practice Direction on Cost Awards* with the Board Secretary and with both Hydro One Networks Inc. and Hydro One Brampton Networks Inc. within 7 days of the date of this Procedural Order. Hydro One Networks Inc. and Hydro One Brampton Networks Inc. may make submissions regarding the cost claims within 14 days of this Procedural Order and the intervenors may reply within 21 days of this Procedural Order. A decision and order on cost awards and the Board's own costs will be issued in due course.

All filings to the Board must quote the file number, EB-2010-0331 / EB-2010-0332, be made through the Board's web portal at <https://www.errr.ontarioenergyboard.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 Guidelines found at [www.ontarioenergyboard.ca/OEB/Industry](http://www.ontarioenergyboard.ca/OEB/Industry). If the web portal is not available you may e-mail 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@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

**DATED** at Toronto, March 17, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary