



EB-2011-0019

## NOTICE OF APPLICATION AND WRITTEN HEARING

### **Application by Newmarket–Tay Power Distribution Ltd. for a Partial Exemption from their Mandated Time-of-Use Pricing Date**

#### **The Application**

Newmarket-Tay Power Distribution Ltd. (“Newmarket-Tay Power”) filed an application dated January 19, 2011 with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B) for a licence amendment granting a partial exemption in relation to the mandated date for the implementation of Time-of-Use (“TOU”) pricing rates for Regulated Price Plan consumers. The application will be decided by the Counsel, Special Projects, who has been delegated this authority pursuant to section 6 of the *Ontario Energy Board Act*.

#### **Mandated Meter Enrollment Testing and Time-of-Use Pricing**

On August 4, 2010 the Ontario Energy Board issued a determination under Section 1.2.1 of the Standard Supply Service Code to require the implementation of TOU pricing for Regulated Price Plan customers. The determination established mandatory TOU implementation dates for each electricity distributor. Newmarket-Tay Power is seeking an exemption from their June 2011 TOU date with respect to eligible General Service under 50 kW customers served with three phase services due to problems with specific meters needed to service these customers. Newmarket-Tay Power is requesting a new TOU date of November 2011 for this specific customer class only. The exemption would affect 2,584 customers under this class.

#### **How to see the Application**

A copy of the application and related documents are available for inspection at the Board’s offices in Toronto and on its website, [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca). A copy can

also be viewed at Newmarket-Tay Power Distribution Ltd.'s office at the addresses indicated below and on its website.

### **How to Participate in the Hearing**

The application will be decided by way of written hearing unless a party satisfies the Board that there is good reason for not holding a written hearing. If you object to a written hearing for this application, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to the applicant by **April 11, 2011**.

Any parties who wish information and material from the applicant that is in addition to the applicant's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the applicant on or before **April 14, 2011**. Where possible, the questions should specifically reference the pre-filed evidence. The applicant shall file with the Board complete responses to the interrogatories and deliver them to any interested parties in the proceeding no later than **April 21, 2011**.

Anyone who wishes to make a submission on the application must file that written submission with the Board and deliver it to the applicant by **April 28, 2011**. If the applicant wishes to respond to the submission(s), the written response must be filed with the Board and delivered to all parties who made submissions by **May 5, 2011**. All written submissions sent to the Board will be placed on the public record. The written submissions will be available for viewing at the Board's offices and will be placed on the Board's website.

If the written submission is from a private citizen (i.e., not a lawyer representing a client, not a consultant representing a client or organization, not an individual in an organization that represents the interests of consumers or other groups, and not an individual from a regulated entity), before placing the written submission on the public record, the Board will remove any personal (i.e., not business) contact information from the written submission (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the written submission will become part of the public record.

As stated elsewhere in this notice, you must provide a complete copy of your written submission (including your name, contact information, and everything written in the submission) to the applicant.

### **How to File Documents with the Board**

You must forward two paper copies, and if possible, an electronic copy in Word format and searchable PDF format, of your written submission to the Board and one copy to the applicant. All submissions must quote file number EB-2011-0019 and clearly state the sender's name, postal address, telephone number, fax number and e-mail address. 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.

### **Need More Information?**

Further information on how to participate may be obtained by visiting the Board's Web site at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or by calling our Consumer Relations Centre at 1-877-632-2727.

### **IMPORTANT**

**IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.**

### **Addresses**

#### **The Board**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> 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](mailto:Boardsec@oeb.gov.on.ca)

#### **The Applicants**

Newmarket-Tay Power Distribution Ltd.  
590 Steven Court  
Newmarket, ON L3Y 6Z2  
Attention: P.D. Ferguson

Tel: 905-953-8548 Ext. 2240  
Fax: 905-895-8931  
E-mail: [pferguson@nmhydro.ca](mailto:pferguson@nmhydro.ca)

**DATED** at Toronto, March 28, 2011

Ontario Energy Board

*Original signed by*

Kirsten Walli  
Board Secretary