



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.

PROCEDURAL ORDER NO. 11

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 March 25, 2011, a Settlement Agreement was filed with the Board which incorporated settlement of most outstanding issues in this proceeding. On March 29, 2011, the Board announced its acceptance of the Settlement Agreement. Unsettled issues remained in five areas, one of which was the appropriateness of Toronto Hydro's suite metering cost allocation and whether or not Toronto Hydro should establish a separate rate class for multi-unit residential customers that are served directly by Toronto Hydro through its suite metering provision.

On July 7, 2011, the Board issued its Partial Decision and Order (the "Partial Decision") in this proceeding. Among other things, the Partial Decision found that while all findings in the Partial Decision are final and will result in a final rate order for 2011 rates, the

Board would require supplementary evidence to be filed on the suite metering issues as outlined in the Partial Decision (the “suite metering supplementary evidence”).

The Partial Decision stated that the Board would issue a procedural order under the current docket number containing filing instructions to Toronto Hydro and outlining subsequent procedural steps to facilitate further discovery and examination.

On July 28, 2011, the Board issued Procedural Order No. 10 which required Toronto Hydro to file the suite metering supplementary evidence by August 31, 2011.

On July 29, 2011, Toronto Hydro sent a letter to the Board which noted that it had received Procedural Order No. 10 and while it was prepared to file the required evidence, for the reasons outlined in the letter, it could not do so by the August 31, 2011 date established in Procedural Order No. 10. Toronto Hydro requested that Procedural Order No. 10 be amended to provide for a filing date of October 17, 2011 for the filing of Toronto Hydro's evidence.

The Board acknowledges Toronto Hydro's current status with respect to the suite metering supplementary evidence and grants Toronto Hydro an extension until September 30, 2011. The Board will not grant the full relief requested by Toronto Hydro. In the Board's view it is very important that the outcome of the proceeding be available for the next potential effective rate change date and the Board is therefore exercising caution in ensuring sufficient time to hear the matter. The Board has correspondingly revised the remaining dates established in Procedural Order No. 10.

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. Toronto Hydro is directed to file the suite metering supplementary evidence with the Board and deliver such evidence to all parties on or before **Friday September 30, 2011.**
2. Board staff and intervenors seeking information and material that is in addition to the suite metering supplementary evidence, and that is relevant to the hearing, shall request the same by written interrogatories filed with the Board and

delivered to the intervenors and the Applicant on or before **Wednesday October 12, 2011**.

3. Responses by the Applicant to interrogatories related to the suite metering supplementary evidence shall be filed with the Board and delivered to all parties on or before **Monday October 24, 2011**.
4. Board staff and intervenors who wish to file evidence on the suite metering issues shall do so, on or before **Friday November 4, 2011**.
5. Parties seeking information and material that is in addition to any intervenor or Board staff evidence on the suite metering issues, and that is relevant to the hearing, shall request the same by written interrogatories filed with the Board and delivered to parties on or before **Monday November 14, 2011**.
6. Responses by parties to interrogatories related to any intervenor or Board staff evidence shall be filed with the Board and delivered to all parties on or before **Thursday November 24, 2011**.
7. The oral hearing will commence on **Wednesday December 7, 2011** in the Board's hearing rooms at 2300 Yonge Street, 25th Floor, Toronto, at 9:30 am, and will continue if necessary on Thursday December 8, 2011 and Friday December 9, 2011.

All filings to the Board must quote file number EB-2010-0142, be made through the Board's web portal at 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. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.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

The Ontario Energy Board:

Post:

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

Filings: www.errr.ontarioenergyboard.ca

E-mail: boardsec@ontarioenergyboard.ca

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

Fax: 416-440-7656

ISSUED at **Toronto**, August 8, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary