



EB-2007-0697

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 Horizon Utilities Corporation for an order approving or fixing just and reasonable rates and other charges for the distribution of electricity to be effective May 1, 2008.

PROCEDURAL ORDER NO. 2

Horizon Utilities Corporation ("Horizon") filed an application with the Ontario Energy Board (the "Board"), received on October 22, 2007, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that it charges for electricity distribution, to be effective May 1, 2008. The Board has assigned the application file number EB-2007-0697. The Board issued a Notice of Application and Hearing dated November 5, 2007. On December 4, 2007 the Board issued Procedural Order No. 1 which set out the dates for filing of interrogatories, responses to interrogatories and submissions. The Procedural Order also confirmed the Board's decision to dispose of this Application by way of a written hearing.

On January 31, 2008, the Board received a request from School Energy Coalition ("SEC") to convene a settlement conference and after which, determine how any unsettled issues should be heard (i.e. orally or in writing). SEC's request was supported by Energy Probe. By way of letter dated February 4, 2007, Horizon opposed SEC's request for a settlement conference citing, in part, time and resource demands imposed by deviating from the written hearing process. Horizon further noted that SEC provided no legitimate justification for deviating from the process already established by the Board.

The Board has considered SEC's request and sees benefit in scheduling a settlement conference. The Board believes a settlement conference is an effective and efficient way of reaching solutions that are in the public interest. Even if the settlement conference is unsuccessful in terms of reaching a full agreement, the process could provide clarity and reduce the number of issues that would be dealt with by way of written submissions. The Board expects that any unsettled issues arising from the settlement conference will be dealt with by way of written submissions. However, the Board may consider convening an oral proceeding if it determines that further testing of the evidence is required.

Therefore, the Board considers it necessary to make provision for the following procedural matters. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. A settlement conference will be convened on **Monday, February 25, 2008** at 9:30 a.m. at the Board's offices and if needed, may continue until **Wednesday, February 27, 2008**, with the objective of reaching a settlement among the parties on the issues.
2. Any settlement proposal arising from the settlement conference shall be filed with the Board no later than 5:00 p.m. on **Friday, March 7, 2008**.
3. Intervenors who wish to make a submission on any unsettled issue must file that submission with the Board, and deliver it to the applicant and other intervenors by **Monday, March 17, 2008**. Board staff shall file and deliver any submission on the application by **Friday, March 14, 2008**.
4. If the applicant wishes to respond to a submission, the response must be filed with the Board and delivered to intervenors by **Monday, March 31, 2008**.

All filings to the Board must quote file number EB-2007-0697, 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.

DATED at Toronto, February 15, 2008

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli,
Board Secretary