



EB-2010-0335

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 Blue
Power Distributed Energy Corporation to renew
Electricity Retailer Licence ER-2008-0349.

PROCEDURAL ORDER No. 1

Blue Power Distributed Energy Corporation ("Blue Power") filed an application to renew its electricity retailer licence (ER-2008-0349) on November 8, 2010.

The Board issued a Notice of Application and Hearing on February 25, 2011 calling for submissions from interested parties. Bluewater Power Distribution Corporation filed a submission on March 17, 2011 raising issues regarding similarity of name and logo between the retailer and the distributor.

The Board has not disposed of the renewal application but has, in the interim, extended Blue Power's licence several times, to allow the applicant to continue with its licensed business activities uninterrupted while the application is under review. By interim decision dated September 12, 2011, the Board ordered that the term of the licence be extended until such time as the renewal application is determined or March 31, 2012, whichever is earlier.

On September 9, 2011, Board staff requested the Board to make provision for interrogatories with respect to Blue Power's licence application.

The Board has decided to make provision for additional procedural steps in this proceeding as set out below, before making a final determination on the licence application.

THE BOARD ORDERS THAT:

1. If Board staff or any party wishes to receive additional information and material from Blue Power relevant to the hearing, Board staff or any party shall request it by written interrogatories filed with the Board and delivered to Blue Power and other parties on or before **October 19, 2011**.
2. Blue Power shall file with the Board and deliver to all parties complete responses to the interrogatories no later than **November 9, 2011**.
3. If Board staff or any party wishes to make a submission on the merits of the application, Board staff or any party must file that submission with the Board, and deliver it to Blue Power and other parties by **November 30, 2011**.
4. If Blue Power wishes to file a response to a submission on the merits of the application, the response must be filed with the Board and delivered to the parties by **December 21, 2011**.

All filings to the Board must quote the file number, EB-2011-0335, consist of two paper copies and one electronic copy in searchable / unrestricted PDF format made through the Board's web portal at www.errr.ontarioenergyboard.ca. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties should 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 documents 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 M4P1E4
Attention: Board Secretary

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@ontarioenergyboard.ca

DATED at Toronto, September 29, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary