



**EB-2011-0272**

**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 Norfolk Power Distribution Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2012.

### **PROCEDURAL ORDER NO. 1**

Norfolk Power Distribution Inc. (“Norfolk Power” or “the Applicant”) filed an application with the Ontario Energy Board (the “Board”), received on August 29, 2011 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Norfolk Power charges for electricity distribution, to be effective May 1, 2012. The Board assigned File Number EB-2011-0272 to the application.

The Board issued a Notice of Application and Hearing dated September 15, 2011. Norfolk Power submitted their Affidavit of Publication on September 28, 2011, indicating that the Notice was published on September 23, 2011.

The Board notes that the Notice erroneously indicated that the effective date of the new rates was January 1, 2012 and not the applied-for date of May 1, 2012. Despite this discrepancy, the Board will accept that adequate Notice of the application was provided as the appropriate rate impacts were referenced. The Board also considers that a published effective date in advance of the actual date is not an impediment to parties considering an intervention or a letter of comment. In addition, the Board is of the view that re-publishing the Notice with the correct date may only result in customer confusion regarding the applied-for rate change.

As a result of the Notice of Application, Energy Probe Research Foundation (“Energy Probe”), Vulnerable Energy Consumers Coalition (“VECC”), and School Energy Coalition (“SEC”) applied for intervenor status and cost eligibility. No objections were received regarding these requests for intervenor status and cost eligibility.

The Board has determined that Energy Probe, VECC, and SEC will be granted intervenor status. The Board has also determined that Energy Probe, VECC, and SEC are each eligible to apply for an award of costs under the Board’s *Practice and Direction on Cost Awards*. The list of parties in this proceeding is attached as Appendix A to this procedural order.

In accordance with the OEB’s *Practice Direction on Confidential Filings* (the “Practice Direction”), Norfolk Power filed a number of documents in confidence that are related to smart meter contracts with outside parties.

The Practice Direction permits any party to a proceeding to object to the request for confidentiality by filing a written objection. This Procedural Order addresses the process for receiving such objections. Subsequent to any and all submissions received pursuant to this Procedural Order, the Board intends to make its findings with respect to Norfolk Power’s claim for confidentiality.

At this time, the Board will not make a determination on whether the application will proceed as an oral or written hearing. This determination will be made at a later stage of the proceeding.

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. Board staff and intervenors may make written submissions concerning the request for confidential treatment of the documents for which Norfolk Power is claiming confidentiality. Any such submissions must be filed with the Board and delivered to Norfolk Power and all other intervenors on or before **October 14, 2011**. Submissions should comply with the Practice Direction, specifically sections 5.16 and 5.17.

2. Norfolk Power shall file with the Board and deliver to all intervenors any reply submission relating to the confidentiality request, pursuant to section 5.18 of the Practice Direction on or before **October 19, 2011**.
3. Intervenors who wish information and material from Norfolk Power that is in addition to Norfolk Power'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 Norfolk Power and all intervenors on or before **October 24, 2011**. Interrogatories from Board staff shall be submitted on or before **October 21, 2011**.
4. Norfolk Power shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **November 14, 2011**.

All filings to the Board must quote the file number, EB-2011-0272, 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. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. 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 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, October 7, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**Appendix 'A'**

**To**

**Procedural Order No. 1**

**Norfolk Power Distribution Inc.**

**EB-2011-0272**

**Applicant and List of Intervenors**

**DATED: October 7, 2011**

**Norfolk Power Distribution Inc.**  
**EB-2011-0272**  
**APPLICANT & LIST OF INTERVENORS**

October 7, 2011

**APPLICANT**

**Rep. and Address for Service**

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**INTERVENORS**

**Energy Probe Research  
Foundation**

**Rep. and Address for Service**

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**Norfolk Power Distribution Inc.**

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**APPLICANT & LIST OF INTERVENORS**

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**Energy Probe Research  
Foundation**

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**School Energy Coalition**

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**Norfolk Power Distribution Inc.**

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**APPLICANT & LIST OF INTERVENORS**

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October 7, 2011

**Vulnerable Energy Consumers  
Coalition      Michael Buonaguro**

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