



**EB-2011-0073**

**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 Oshawa PUC  
Networks Inc. for an order approving just and reasonable  
rates and other charges for electricity distribution to be  
effective January 1, 2012.

### **PROCEDURAL ORDER No. 8**

Oshawa PUC Networks Inc. ("Oshawa" ) filed an application with the Ontario Energy Board (the "Board") on June 1, 2011 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Oshawa charges for electricity distribution, to be effective January 1, 2012.

On November 8, 2011 the Board issued Procedural Order No. 6 on the understanding that during the Settlement Conference held on November 2 and 3, 2011, Oshawa and the intervenors ("parties") reached no settlement on any of the issues. Procedural Order No. 6, among other things, prescribed the dates for the oral hearing of the evidentiary portion of the proceeding, for the filing of written argument-in-chief, for the oral hearing of the arguments of the intervenors and Board staff and for the oral hearing of Oshawa's reply argument. On November 11, 2011 the Board issued Procedural Order no. 7 which amended the dates for the filing of Oshawa's written argument-in-chief and for the oral hearing of Oshawa's reply argument.

On November 16, 2011, Oshawa, and of behalf of the other parties who participated in the Settlement Conference, notified the Board that the parties have had further discussions and concluded that it would be appropriate to reconvene the Settlement Conference. In this regard, the parties suggested that the Board adjourn the hearing currently scheduled to start on November 21, 2011 and reconvene the Settlement

Conference on November 21, 2011. In the event that any or all issues are settled, the parties suggested November 30, 2011 as the deadline for the filing of the Settlement Proposal. The parties, having considered the existing regulatory calendar, also proposed that the oral hearing of any unsettled issues commence on December 6, 2011 and continue, if required, on a second day to be scheduled as soon as possible thereafter.

The Board finds merit in resuming the Settlement Conference. The Board notes that in order to accommodate the parties' request it will have to amend the previously prescribed events pertaining to the completion of the evidentiary portion of the proceeding and the hearing of argument.

The procedural steps set out in Procedural Orders No. 6, and as amended by Procedural Order No.7, are cancelled and replaced with the following.

The Board will provide November 21, 2011 for the continuation of the Settlement Conference. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than November 30, 2011. The Board shall hear the Settlement Proposal on December 6, 2011. The oral hearing on any unsettled issues will commence immediately following the presentation and review of the Settlement Proposal. In the event an additional day is required to complete the oral examination of the issues, the hearing will continue on January 9, 2012 commencing at 9:30am. To ensure that the best use is made of the time available for the evidentiary portion of the oral proceeding, the parties are to file a hearing plan with the Board by December 2, 2011. A room will be made available at the Board's offices on December 1 or 2, 2011 for the purposes of a pre-hearing conference in order to establish the hearing plan. The plan will identify the issues that the intervenors and Board staff propose to examine orally, including the estimated time required for each issue. The Board will assume that any issues not identified by each party will not be examined any further in this proceeding and may be included in each party's final argument. In that the Board does not expect the oral hearing to last more than two days, parties are encouraged to weigh the materiality and priority of the issues they wish to examine. The hearing plan will also identify and establish the sequence of Oshawa's witness panels.

The event schedule for argument-in-chief, argument and reply will be determined and communicated by the Board at a later date.

The Board considers it necessary to make provision for the following procedural matters. Further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. The dates stated in Procedural Order No. 6, as amended by Procedural Order No. 7, are cancelled.
2. The Settlement Conference will be reconvened on **November 21, 2011**, starting at 9:30 a.m. The Settlement Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto.
3. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **November 30, 2011**. The Settlement Proposal shall be presented to the Board on **December 6, 2011** at 9:30 am in the Board's hearing room at 2300 Yonge Street, 25<sup>th</sup> Floor, Toronto.
4. The oral hearing of unsettled issues will commence on **December 6, 2011** immediately following the presentation of the Settlement Proposal. If necessary, the oral hearing will continue on **January 9, 2012** commencing at 9:30am in the Board's hearing room at 2300 Yonge Street, 25<sup>th</sup> Floor, Toronto.
5. The proposed hearing plan described in this Procedural Order shall be filed with the Board by **December 2, 2011**. A room will be provided in the Board's offices on **December 1 or 2, 2011** on the 25th floor at 2300 Yonge Street, Toronto, for the purposes of a pre-hearing conference amongst the parties to prepare the hearing plan.

All filings to the Board must quote the file number, EB-2011-0073, 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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Richard Battista [Richard.Battista@ontarioenergyboard.ca](mailto:Richard.Battista@ontarioenergyboard.ca) and Board Counsel, Ljuba Djurdjevic at [Ljuba.Djurdjevic@ontarioenergyboard.ca](mailto:Ljuba.Djurdjevic@ontarioenergyboard.ca).

**DATED** at Toronto, November 17, 2011  
**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary