



EB-2011-0152

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 Algoma Power
Inc. for an order approving just and reasonable rates and
other charges for electricity distribution to be effective
January 1, 2012.

**NOTICE OF MOTION
AND PROCEDURAL ORDER No. 1**

Algoma Power Inc. ("Algoma") filed an application with the Ontario Energy Board (the "Board") on September 15, 2011 for permission to change its delivery charges beginning January 1, 2012. The Application was filed under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), under the Board's guidelines for 3rd Generation Incentive Regulation Mechanism which provides for a mechanistic and formulaic adjustment to distribution rates between cost of service applications. The proposed rates include the impact of the Rural or Remote Electricity Rate Protection funding, pursuant to Ontario Regulation 442/01.

The Board issued the Notice of Application and Hearing on October 28, 2011.

On January 20, 2012 the Board issued its Decision and Order ("Decision") which, among other things, directed Algoma to file a draft Rate Order by January 27, 2012 and provided for the filing of intervenor and Board staff comments on the draft Rate Order and Algoma's reply to any filed comments. Algoma filed the draft Rate Order on January 27, 2012.

On February 2, 2012 Algoma filed a Motion to Review and Vary the Board's Decision ("Motion"). Algoma indicated, pursuant to section 44.01(a)(i) of the Board's *Rules of Practice and Procedure*, that the ground for the Motion is an error in fact. Specifically, the error pertains to the balances for the year ended December 31, 2010 for account 1588 RSVA Power excluding the Sub-account Global Adjustment ("1588 Power") and account 1588 RSVA Power Sub-account Global Adjustment ("1588 Global Adjustment"). Algoma requested that the Board review and vary its Decision to reflect certain corrections to the deferral and variance account balances upon which the Decision was based.

Algoma indicated that it would have the corrected balances on or before February 9, 2012.

Algoma also requested that the EB-2011-0152 proceeding be stayed until the deferral and variance account balances that are the subject of the Motion are confirmed. The Board considers it appropriate to stay the implementation of the Decision, including the issuance of the Rate Order, pursuant to section 42.06 of the Board's *Rules of Practice and Procedure*, pending the Board's review of the motion to review and vary.

The Board notes that the draft Rate Order filed by Algoma on January 27, 2012 will require updating to reflect any variances to the Decision that the Board may approve. In this regard, the Board expects Algoma to file revisions to its draft Rate Order which reflect the relief sought by the Motion on the same date of the filing of the additional materials.

Given that the variances appear to pertain to only the balances in two RSVA accounts, and a change in the associated rate riders, the Board intends to make its determinations on the Motion and issue the final Rate Order at the same time.

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. Algoma shall file the revised balances for the year ended December 31, 2010 for account 1588 Power and account 1588 Global Adjustment on or before February 15, 2012.
2. Algoma shall file any other supporting material on the Motion and a revised draft Rate Order reflecting the relief sought by the Motion on or before February 15, 2012.
3. Intervenor and Board staff shall file any submissions on the Motion, the revised balances and the revised draft Rate Order filed by Algoma with the Board within 7 days of the date of the filing of the revised balances and the revised draft Rate Order.
4. Algoma Power shall file with the Board and forward to intervenors responses to any submissions within 5 days of the filing of the submissions.

All filings to the Board must quote the file number, EB-2011-0152, 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 and Board Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@ontarioenergyboard.ca.

DATED February 3, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary