



EB-2011-0328
EB-2011-0329

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 Chatham-Kent Hydro Inc. under section 86 of the *Ontario Energy Board Act, 1998* seeking an order for leave to amalgamate with Middlesex Power Distribution Corporation;

AND IN THE MATTER OF an application by Chatham-Kent Hydro Inc. and Middlesex Power Distribution Corporation under section 74 of the *Ontario Energy Board Act, 1998* seeking an order to amend Chatham-Kent Hydro Inc.'s electricity distribution licence and cancel Middlesex Power Distribution Corporation's electricity distribution licence.

PROCEDURAL ORDER NO. 2

Chatham-Kent Hydro Inc. ("Chatham-Kent"), a licensed electricity distributor, filed an application with the Ontario Energy Board, received on August 31, 2011, under section 86(1)(c) the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) (the "Act"), seeking leave to amalgamate with Middlesex Power Distribution Corporation ("Middlesex"). Chatham-Kent and Middlesex also filed an application (EB-2011-0329), under section 74 of the Act to amend Chatham-Kent's electricity distribution licence to include in its service area the area currently served by Middlesex and requested that Middlesex's electricity distribution licence be cancelled. Chatham-Kent and Middlesex are collectively referred to as "Applicants" in this Procedural Order.

The Board previously granted School Energy Coalition (“SEC”) intervenor status and confirmed its eligibility for costs in this proceeding.

On December 16, 2011 the Applicants were granted leave to amalgamate by the Board pending completion of the transaction. On January 11, 2012 Chatham-Kent filed a notice of completion of the transaction. On January 20, 2012 the Board cancelled Middlesex’s electricity distribution licence and amended Chatham-Kent’s electricity distribution licence to include the service areas and CDM targets previously included in Middlesex’s licence.

COST AWARDS

The Board may grant cost awards to eligible stakeholders pursuant to its power under section 30 of the Act. The Board has already determined that SEC would be eligible for an award of costs. When determining the amounts of the cost awards, the Board will apply the principles set out in section 5 of the Board’s Practice Direction on Cost Awards. The maximum hourly rate for counsel and consultants set out in the Board’s Cost Awards Tariff will also be applied.

THE BOARD ORDERS THAT:

1. SEC shall file with the Board and forward their cost claim to Chatham-Kent Hydro Inc. by **March 2, 2012**.
2. Chatham-Kent Hydro Inc. shall file with the Board and forward to SEC any objections to the claimed costs of SEC by **March 9, 2012**.
3. If Chatham-Kent Hydro Inc. objects to SEC’s cost claim, SEC shall file with the Board and forward to Chatham-Kent Hydro Inc. any response to such objection by **March 16, 2012**.
4. Chatham-Kent Hydro Inc. shall pay the Board’s costs incidental to this proceeding upon receipt of the Board’s invoice.

All filings to the Board must quote the file numbers, EB-2011-0328 and EB-2011-0329, 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 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.

Addresses

The Board

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
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Applicant

Chatham-Kent Hydro Inc.
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Chatham ON N7M 5K2

Attention: Mr. David Ferguson

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Intervenor

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Intervenor's Counsel

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DATED at Toronto, February 24, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary