



EB-2012-0006

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an appeal under section 7 of the *Ontario Energy Board Act, 1998* of a Decision and Order of the Board in EB-2011-0291, regarding an application by EnWin Utilities Ltd. to amend its Electricity Distribution Licence.

PROCEDURAL ORDER NO. 3

On December 12, 2011, the Board issued a decision and order in EB-2011-0291 (the "Order") amending EnWin Utilities Ltd.'s ("EnWin") electricity distribution licence, ED-2002-0527, to exempt EnWin from sections 2.6.6 and 2.6.6.3 of the Distribution System Code until January 1, 2013. The Order was made by an employee of the Board pursuant to section 6(1) of the *Ontario Energy Board Act, 1998* (the "Act").

On December 27, 2011 Mr. Potomski, an interested party in the proceeding, filed a notice with the Board, advising of his intention to appeal the Order under section 7 of the Act. On January 4, 2012, Mr. Potomski filed a supplementary notice of appeal, describing the nature of the relief sought, and the grounds relied upon.

On January 24, 2012, the Board issued Procedural Order #1, setting out the dates for submissions to determine certain procedural issues. In accordance with the dates set out in Procedural Order #1, on January 31, 2012 Mr. Potomski filed a submission on the preliminary issues and EnWin filed a reply on February 7, 2012. Mr. Potomski filed a late reply to EnWin's submission on February 16, 2012.

On March 6, 2012 the Board issued a Decision and Procedural Order #2 on the preliminary procedural issues and set out dates for further submissions on the merits of the appeal. On March 13, 2012 Mr. Potomski informed the Board that due to personal

issues he would require additional time to make his submission on the merits of the appeal. Mr. Potomski requested his submission be due on March 19, 2012.

The Board grants the request for extension of time to file the submission. The date for filing of the reply submission will also be adjusted accordingly.

Please note that this procedural order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Mr. Potomski shall file any further submission on the merits of the appeal of the Order with the Board and deliver it to EnWin by **March 19, 2012**
2. EnWin shall file any reply to Mr. Potomski's submission with the Board and deliver it to Mr. Potomski by **March 26, 2012**.

All filings to the Board must quote the file number EB-2012-0006, and 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

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P.O. Box 2319
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Toronto ON M4P 1E4
Attention: Board Secretary

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The Appellant

P.O. Box 21117
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Attention: R.J. Potomski

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E-mail: rjp@potomski.com

The Applicant

EnWin Utilities Ltd.
P.O.Box 1625 Stn A
787 Oulette Ave
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Attention: Mr. Andrew J. Sasso

Tel: 519-255-2735
Fax: 519-973-7812
E-mail: regulatory@enwin.com

DATED at Toronto, March 15, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary