



EB-2012-0201

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 Veridian
Connections Inc. for an order or orders approving or fixing
just and reasonable distribution rates and other charges, to
be effective May 1, 2012.

AND IN THE MATTER OF a Motion to Review and Vary by
Veridian Connections Inc. pursuant to the Ontario Energy
Board's *Rules of Practice and Procedure* for a review of the
Board's Decision and Order in proceeding EB-2011-0199.

BEFORE: Cynthia Chaplin
Presiding Member

Paula Conboy
Member

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

April 25, 2012

On April 11, 2012, Veridian Connections Inc. ("Veridian") filed with the Ontario Energy Board (the "Board") a Notice of Motion to Review and Vary (the "Motion") the Board's Decision and Order dated March 22, 2012 in respect of Veridian's 2012 rate application (EB-2011-0199). The Board has assigned the Motion file number EB-2012-0201.

The Motion seeks to vary the Board's EB-2011-0199 Decision and Order so that Veridian may recover a Lost Revenue Adjustment Mechanism ("LRAM") amount of \$480,913, which represents the difference between Veridian's total adjusted LRAM

claim of \$1,303,874 and the amount approved for recovery of \$822,961 for the 2007 to 2009 legacy programs. The ground for the Motion is an alleged inconsistency between the EB-2011-0199 Decision and Order and the Board's decision in Bluewater Power Distribution Corporation's 2012 rate application (EB-2011-0153). Veridian proposed that the Motion be heard by way of a written hearing.

For this motion the Board will grant intervenor status and cost award eligibility to the Vulnerable Energy Consumers Coalition ("VECC"), which was the only intervenor in Veridian's 2012 rate application.

Given the narrow scope of the Motion, the Board has determined that the most expeditious way of dealing with this Motion is to consider concurrently the threshold question of whether the matter should be reviewed (as contemplated in the Board's *Rules of Practice and Procedure*) and the merits of the Motion. The Board will proceed by way of a written hearing.

THE BOARD THEREFORE ORDERS THAT:

1. Veridian shall file with the Board and deliver to VECC any additional material in support of its motion by no later than May 2, 2012.
2. VECC and Board staff may file written submissions with the Board and deliver it to Veridian no later than May 9, 2012.
3. Veridian may file a written reply submission with the Board and deliver it to VECC no later than May 11, 2012.

All filings to the Board must quote file number **EB-2012-0201**, be made through the Board's web portal at 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 shall 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.

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
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, April 25, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary