



EB-2012-0026

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 Niagara-on-the-Lake Hydro Inc. for an order or orders approving or fixing just and reasonable distribution rates related to the disposition of Account 1562, Deferred Payments in Lieu of Taxes, to be effective May 1, 2012.

**NOTICE OF APPLICATION AND HEARING
AND
PROCEDURAL ORDER No. 1
May 31, 2012**

Niagara-on-the-Lake Hydro Inc. ("NOTL") applied to the Ontario Energy Board (the "Board") for approval to dispose of the balance in Account 1562, Deferred Payments in Lieu of Taxes ("Account 1562") over a two-year period, May 1, 2012. The Application was filed on February 29, 2012 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B). The Board has assigned the application file number EB-2012-0026.

NOTL originally included the request to dispose of Account 1562 in its 2012 IRM application (EB-2011-0186) filed on September 15, 2011. The Board determined that the evidence supporting the disposition of Account 1562 was not consistent with the various decisions made in the course of the Combined PILS proceeding (EB-2008-0381). The Board decided not to hear the disposition of Account 1562 as part of NOTL's 2012 IRM application and directed NOTL that this matter be addressed in a stand-alone application to be filed no later than April 1, 2012. The current application is in response to that direction.

Since public notice has already been given in NOTL's 2012 IRM application regarding the disposition of Account 1562, the Board grants intervenor status and cost eligibility to the intervenors of record in NOTL's 2012 IRM proceeding. The Board notes that the Vulnerable Energy Consumers Coalition ("VECC") was granted intervenor and cost eligibility status in the IRM proceeding.

In the IRM proceeding, no letters of comment were received in respect to the disposition of Account 1562 nor were any objections raised with the Board's intention to proceed with the matter by way of a written hearing. The Board received one observer status request.

The Board will proceed with the review of this application by way of written interrogatories, to be followed by written submissions. Please note that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. VECC and Board staff wishing information and material from NOTL that is in addition to the evidence filed with the Board and that is relevant to the hearing shall request it by written interrogatories filed with the Board and delivered to NOTL on or before **June 22, 2012**.
2. NOTL shall file with the Board complete responses to the interrogatories and deliver them to VECC no later than **July 9, 2012**.
3. Board staff may file a written final submission with the Board and deliver it to NOTL and VECC no later than **July 23, 2012**.
4. VECC may file a written final submission with the Board and deliver it to NOTL no later than **July 27, 2012**.
5. NOTL may file with the Board a written reply submission and deliver it to VECC no later than **August 13, 2012**.

All filings to the Board must quote file number EB-2012-0026, 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, May 31, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary