



**EB-2012-0028**

**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  
Peninsula Energy 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**

Niagara Peninsula Energy Inc. ("NPEI") 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, effective May 1, 2012. The Application was filed on March 28, 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-2012-0028.

NPEI originally included the request to dispose of Account 1562 in its 2012 IRM application (EB-2011-0185) filed on October 14, 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 NPEI's 2012 IRM application and directed NPEI 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 NPEI's 2012 IRM application regarding the disposition of Account 1562, the Board grants intervenor status and cost eligibility to the intervenors of record in NPEI'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 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 NPEI 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 NPEI on or before June 29, 2012.
2. NPEI shall file with the Board complete responses to the interrogatories and deliver them to all other parties no later than July 13, 2012.
3. Board staff may file a written final submission with the Board and deliver it to NPEI and VECC no later than July 27, 2012.
4. VECC may file a written final submission with the Board and deliver it to NPEI no later than August 1, 2012.
5. If NPEI wishes to respond to the submissions, its written response must be filed with the Board and delivered to all other parties by August 16, 2012.

All filings to the Board must quote file number EB-2012-0028, be made through the Board's web portal at [www.errr.ontarioenergyboard.ca](http://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.oeb.ontarioenergyboard.ca](http://www.oeb.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](mailto: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