



EB-2012-0035

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 Toronto Hydro-Electric System Limited ("THESL") for an order approving or fixing just and reasonable rates and other charges for the distribution of electricity to be effective May 1, 2012, May 1, 2013, and May 1, 2014;

AND IN THE MATTER OF a Notice of Motion filed by Toronto Hydro-Electric System Limited on January 25, 2012 for a review of the Board's January 5, 2012 Decision with Reasons and Order on the Preliminary Issue.

PROCEDURAL ORDER NO. 2

On January 26, 2012, THESL filed a motion to review (the "Motion", EB-2012-0035) the Board's Decision with Reasons and Order on the Preliminary Issue (EB-2011-0144). On February 6, 2012, THESL filed a letter indicating that it was aware that the Board might find it appropriate to hold the Motion in abeyance pending the determination of procedure on THESL's IRM/ICM application(EB-2012-0064), which dealt with similar issues. THESL indicated that it was not opposed to having the Motion held in abeyance. On February 14, 2012 the Board issued a Notice of Motion and Procedural Order No. 1 for the EB-2012-0035 proceeding, and indicated that the matter would be held in abeyance pending the resolution of procedural issues in the EB-2012-0064 proceeding.

On August 20, 2012, THESL filed a letter with the Board seeking to withdraw the Motion. The Board confirmed that the Motion was withdrawn by letter dated August 24, 2012.

The Board subsequently received letters from two intervenors in the EB-2011-0144 proceeding enquiring about cost claims for the EB-2012-0035 proceeding.

Cost Claims

Although the Notice of Motion and Procedural Order No. 1 is silent on the issue of costs, the Board is prepared to consider limited cost claims for work intervenors in the EB-2011-0035 proceeding conducted on the Motion between January 26 and February 14, 2012. Only intervenors that were eligible for costs in the EB-2011-0035 proceeding may file cost claims for the Motion.

THE BOARD ORDERS THAT

1. Parties may file cost claims for the Motion with the Board, and serve on THESL, by September 12, 2012.
2. THESL may respond to any cost claims by filing the response with the Board and serving it upon the relevant party by September 20, 2012.
3. Parties wishing to respond to any comments received by THESL shall file this response with the Board, and serve on THESL, by September 27, 2012.

All filings to the Board must quote file number **EB-2012-0035**, be made through the Board's web portal at www.pes.ontarioenergyboard.ca/eservice/ 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, telephone number, fax number and e-mail address. All filings 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 the document may be emailed to BoardSec@ontarioenergyboard.ca. Persons who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Persons who do not have computer access are required to file seven paper copies. If a document has been submitted through the Board's web portal an e-mail is not required.

All communications should be directed to the attention of the Board Secretary and be received no later than 4:45 p.m. on the required date.

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DATED at Toronto September 5, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary