



EB-2012-0355

**NOTICE OF APPLICATION AND WRITTEN HEARING
FOR SALE OF INTEREST OF NIAGARA WEST TRANSFORMATION
CORPORATION TO NIAGARA POWER INCORPORATED**

On August 24, 2012 Niagara Power Inc. ("NPI") applied to the Board for leave to purchase a 50% share of Niagara West Transformation Corporation ("NWTC") from Peninsula West Power Inc. ("Pen West") under section 86(2)(a) of the *Ontario Energy Board Act, 1998* (the "Act"). NWTC is a licensed electricity transmitter (ET-2010-0294) that owns and operates a transformer station that serves two licensed electricity distributors: Grimsby Power Inc., and Niagara Peninsula Energy Inc. NPI and Pen West are currently each 50% owners of NWTC.

NPI states the proposed purchase price is for a fair market value of \$1 million. The proposed transaction will result in NPI holding 100% control of the transmission assets of NWTC. The applicant submits that there will be no impact with respect to rates and no impact on the adequacy, reliability and quality of the service provided to its customers. NPI also states that there is no intention to harmonize rates with the uniform transmission rate as a result of the proposed transaction. The application notes that no capital expenditure is proposed as a result of the proposed transaction. The applicant states the only incremental transaction costs will be for legal expenses related to the purchase of the shares.

How to see the NPI's Application

Copies of the application are available for inspection at the Board's office in Toronto and on its website, www.ontarioenergyboard.ca/OEB/Industry, and at NPI's and Pen West's offices and on their websites.

Written Hearing

The Board intends to proceed with this matter by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to the applicant within **10 days** of the publication or service date of this notice.

How to Participate

You may participate in this proceeding in one of three ways:

1. Become an Intervenor

Intervenors participate actively in the proceeding (i.e., submit written questions, evidence, and arguments, and cross-examine witnesses at an oral hearing). A request for intervenor status must be made by letter of intervention and be received by the Board no later than **10 days** from the publication or service date of this notice. A letter of intervention must include: (a) a description of how you are, or may be, affected by the outcome of this proceeding; (b) if you represent a group, a description of the group and its membership; and (c) whether you intend to seek an award of costs and the grounds for your cost award eligibility.

You must provide a copy of your letter of intervention to the applicants.

Everything an intervenor files with the Board, including the intervenor's name and contact information, will be placed on the public record, which means that all filings will be available for viewing at the Board's offices and will be placed on the Board's website.

If you already have a user ID, please submit your intervention request through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Additionally, two paper copies must be submitted to the address set out below.

If you do not have a user ID, visit the Board's website under e-Filing Services and complete a user ID/password request form. For instructions on how to submit

documents and naming conventions please refer to the RESS Document Guidelines found at www.ontarioenergyboard.ca/OEB/Industry, e-Filing Services.

The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required. Those who do not have internet access are required to submit their intervention request on a CD in PDF format, along with two paper copies.

2. Send a Letter with your Comments to the Board

If you wish to comment on the proceeding without becoming an intervenor, you may submit a letter of comment to the Board Secretary.

All letters of comment sent to the Board will be placed on the public record, which means that the letters will be available for viewing at the Board's offices and will be placed on the Board's website.

Before placing the letter of comment on the public record, the Board will remove any personal (i.e., not business) contact information from the letter of comment (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the letter of comment will become part of the public record.

A complete copy of your letter of comment, including your name, contact information, and the content of the letter, will be provided to the applicants and the Hearing Panel.

Your letter of comment must be received by the Board no later than **30 days** from the publication or service date of this notice. The Board accepts letters of comment by either post or e-mail at the addresses below.

3. Become an Observer

Observers do not participate actively in the proceeding but receive documents issued by the Board in the proceeding. There is no fee for observers to receive documents issued by the Board.

A request for observer status must be made in writing and be received by the Board no later than **10 days** from the publication or service date of this notice. The Board accepts observer request letters by either post or e-mail at the addresses below.

All letters requesting observer status will become part of the public record, which means that the letters will be available for viewing at the Board's offices and will be placed on the Board's website.

Before placing the request for observer status on the public record, the Board will remove any personal (i.e., not business) contact information from the request (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the request for observer status will become part of the public record.

Observers may also request documents filed by the applicants and other parties to the proceeding but must request these documents directly from the relevant party.

Observers may be required to pay for the costs of reproducing and delivering the material.

Most documents filed in this application will also be available on the Board's website.

How to Contact Us

In responding to this Notice, please reference Board file number EB-2012-0355 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's www.ontarioenergyboard.ca/OEB/Industry or by calling our Consumer Relations Centre at 1-877-632-2727.

IMPORTANT

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board:

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings:
<https://www.pes.ontarioenergyboard.ca/eservice/>

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

The Applicant:

Niagara Power Incorporated
231 Roberts Rd.
Grimsby ON L3M 5N2
Attention: James Detenbeck

E-mail: jamesdetenbeck@hotmail.com
Tel: 905-945-5437
Fax: 905-945-9933

Other Party to the Transaction:

Peninsula West Power Incorporated
4548 Ontario St.
Unit #2
Beamsville, ON L0R 1B5
Attention: Brian Walker

E-mail: brian.walker@sympatico.ca
Tel: 905-892-5225
Fax: 905-563-0838

DATED at Toronto, September 27, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary