



EB-2012-0047

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application under
section 74 of the Act by Horizon Utilities Corporation
for a licence amendment.

PROCEDURAL ORDER NO. 2

DECEMBER 7, 2012

Horizon Utilities Corporation (“Horizon”) filed an application on June 18, 2012 for an order of the Board amending Horizon’s licensed service area in Schedule 1 of its electricity distribution licence ED-2006-0031. Horizon filed additional information on August 17, 2012 in order to complete its application.

On October 10, 2012, Horizon filed a Notice of Motion (the “Horizon Motion”) and correspondence indicating that it would be updating its application to include several new service area amendment requests (the update was filed on October 24, 2012). In its motion, Horizon sought:

“(a) an order requiring Hydro One Networks Inc. (“Hydro One”) to immediately cease certain work within Horizon’s service territory until the Board has made a decision on the application; (b) a declaration that the work being undertaken by Hydro One may negatively impinge upon Horizon’s operations (contrary to section 6.3.4 of the Distribution System Code), and an order requiring Hydro One to permanently cease undertaking all work which so impacts Horizon’s operations; (c) a procedural order requiring Hydro One to provide certain additional information about its offer to connect made to Multi-Area; and (d) a procedural order scheduling a date for a visit by the panel hearing this matter to

take a view of the Summit Park Phase 7 development for context purposes (Horizon submits that the Board should immediately issue an order, even if only on an interim basis until the site visit occurs, requiring Hydro One to cease the work).”

On October 30, 2012, Hydro One filed a Notice of Motion (the “Hydro One Motion”), seeking:

“(a) an order striking out and dismissing Part I of the update to the service area amendment application, dated October 24, 2012, which was filed with the Board on October 25, 2012; (b) an order striking out and dismissing the service area application dated June 15, 2012, as updated twice by replacement pages on August 16, 2012; (c) an order striking out and dismissing Parts II, III and V of the update to the application, and striking out the portion of Part IV of the update to the application that deals with a small parcel of undeveloped land; (d) an order staying, as premature and incomplete, the portion of Part IV of the update to the application that deals with the school that is being built; and (e) an order requiring the applicant to provide full cooperation to Hydro One to enable the completion of work described in Hydro One’s letters to the Board dated October 15 and October 17, 2012.”

The Board issued a Notice of Application, Notice of Motions and Procedural Order No. 1 on November 21, 2012 in which it referred matters (a) and (b) of the Horizon Motion and part (e) of the Hydro One Motion to the Board’s Compliance and Consumer Protection Department.

Pursuant to Procedural Order No. 1, on November 30, 2012, the Board convened an oral hearing to hear matters (c) and (d) of the Horizon Motion and matters (a) to (d) of the Hydro One Motion. Upon hearing the submissions of the parties, the Board found that there were genuine issues to be determined in a hearing and that a final determination on the application could not be made in the absence of a full evidentiary record. Accordingly, the Board ordered that Horizon’s service area amendment application, as last updated on October 24, 2012, would proceed to a full hearing. The Board dismissed parts (a) to (d) of the Hydro One Motion and, following discussion among parties at the hearing regarding parts (c) and (d) of the Horizon Motion, the Board determined that those matters could be dealt with in the course of the application process.

The Board notes that Horizon's application is contested by the incumbent distributor, Hydro One. In this context, the Board is mindful of Horizon's obligation in this proceeding to comply with section 7.5 of the Board's filing requirements for service area amendment applications (the "Filing Requirements"), entitled "Additional Information Requirements for Contested Applications" and notes that in order for an applicant to comply with that section, certain information must be provided to the applicant by the incumbent distributor.

The Board considers it necessary to make provision for the following matters related to this proceeding. Please be aware that this order may be amended, and further orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Horizon shall file the information required by the Filing Requirements, in order to complete its application, on or before **December 17, 2012**.
2. Intervenors and Board staff may file interrogatories on Horizon's evidence on or before **January 11, 2013**.
3. Intervenors and Board staff may submit evidence regarding the application on or before **January 11, 2013**.
4. Horizon shall respond to all interrogatories served on it on or before **January 21, 2013**.
5. Interrogatories from the applicant, intervenors or Board staff on any intervenor evidence shall be filed on or before **January 23, 2013**.
6. Intervenors and Board staff shall respond to all interrogatories served on them on or before **January 31, 2013**.
7. An oral hearing will be held beginning at 9:30 a.m. in the Board's West Hearing Room on **February 7, 2013**. If required the oral hearing will continue on **February 8, 2013**.

All filings to the Board must quote file number EB-2012-0047, be made through the Board's web portal at <https://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 and telephone number, fax number and email address. Parties must 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 or in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

DATED at Toronto December 7, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary