



EB-2011-0099

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 E.L.K. Energy Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective October 1, 2012.

PROCEDURAL ORDER NO. 2
December 17, 2012

E.L.K. Energy Inc. (“E.L.K.”) filed an application (the “Application”) with the Ontario Energy Board (the “Board”) on October 24, 2012 under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that E.L.K. charges for electricity distribution, to be effective October 1, 2012. The Board has assigned the application file number EB-2011-0099

The Board issued a Notice of Application and Hearing dated November 12, 2012. The School Energy Coalition (“SEC”), Energy Probe Research Foundation (“Energy Probe”), the Vulnerable Energy Consumers Coalition (“VECC”), EnWin Utilities Ltd. (“EnWin”) and the Association of Major Power Consumers in Ontario (“AMPCO”) applied for intervenor status. AMPCO’s request for intervention status was filed after the deadline. All of the aforementioned, except for EnWin, also applied for cost eligibility.

On November 29, 2012 the Board received E.L.K.’s objection to EnWin’s request for intervenor status as well as EnWin’s response to the objection. E.L.K. questioned EnWin’s level of participation in the proceeding in that EnWin was neither an embedded nor host distributor in relation to E.L.K. , nor immediately adjacent to its territory. EnWin responded that intervenor status was warranted given that both distributors are part of the same regional community, in some cases connect to the same transformer stations, are part of the same regional conversations related to

electricity distribution and could have overlapping interests in the evolution of the electricity distribution sector.

The Board concurs that EnWin, as a neighboring distributor, would have an interest in the proceeding.

The Board has determined that SEC, Energy Probe, VECC, AMPCO and EnWin will be granted intervenor status. The list of parties in this proceeding is attached as Appendix A to this procedural order. The Board has also determined that SEC, Energy Probe, VECC and AMPCO are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board has decided to make provision at this time for written interrogatories. The Board reminds parties that interrogatories must reference the pre-filed evidence and, in accordance with *Chapter 2 of the Filing Requirements for Transmission and Distribution Applications* ("Filing Requirements"), parties must sort their interrogatories and responses by topic as outlined in the exhibits in the Filing Requirements. The Board encourages parties to use a continuous numbering system to facilitate subsequent referencing of the interrogatories. After its review of the responses, the Board will determine the next steps.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Intervenors shall request any information and material from E.L.K. that is in addition to E.L.K.'s pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to E.L.K. on or before **January 9, 2013**. Interrogatories from Board staff shall be submitted on or before **January 4, 2013**.
2. E.L.K. shall file with the Board complete written responses to the interrogatories and deliver them to Intervenors or before **January 30, 2013**.

All filings to the Board must quote the file number, EB-2011-0099, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/service/>, 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 must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. 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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Richard Battista at richard.battista@ontarioenergyboard.ca and Board Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
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Attention: Board Secretary

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Fax: 416-440-7656

DATED at Toronto, December 17, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix 'A'

To

Procedural Order No. 2

E.L.K. Energy Inc.

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Applicant and List of Intervenors

December 17, 2012

**E.L.K. Energy Inc.
EB-2011-0099**

APPLICANT & LIST OF INTERVENORS

December 17, 2012

APPLICANT

Rep. and Address for Service

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INTERVENORS

Rep. and Address for Service

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Consumers in Ontario
(AMPCO)**

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APPLICANT & LIST OF INTERVENORS

December 17, 2012

**Energy Probe Research
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Andrew Sasso

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School Energy Coalition

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EB-2011-0099**

APPLICANT & LIST OF INTERVENORS

December 17, 2012

School Energy Coalition

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**Vulnerable Energy
Consumers Coalition**

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APPLICANT & LIST OF INTERVENORS

December 17, 2012

**Vulnerable Energy
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