



EB-2012-0414

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 the
Electricity Distributors Association for a stay of the
Board's September 13, 2012 Decision and Order in EB-
2011-0120, pending disposition of the Electricity
Distributors Association's appeal of the Decision and
Order to the Superior Court of Justice (Divisional Court).

PROCEDURAL ORDER NO. 3

December 19, 2012

The Electricity Distributors Association ("EDA") applied to the Ontario Energy Board on October 17, 2012 for a stay of the Board's September 13, 2012 Decision and Order in EB-2011-0120, pending the disposition of the EDA's appeal of the Decision and Order to the Ontario Superior Court of Justice (Divisional Court). In making its application, the EDA states that it relies on section 33(6) of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B).

On November 27, 2012, the Board issued a Notice and Procedural Order No. 1 setting out the requirements for service by the EDA as well as the dates for the filing of submissions and for the oral hearing.

The Board received a letter from the EDA on December 6, 2012 stating that it was not aware that the Notice and Procedural Order No. 1 had been issued until December 5, 2012. The EDA ultimately served the Notice and Procedural Order No. 1 on all intervenors of record in the EB-2011-0120 proceeding. However, because the dates specified in the Procedural Order were no longer viable, the Board issued Procedural Order No. 2 on December 10, 2012 setting new dates for the filing of submissions and the hearing of this matter.

On December 13, 2012 the EDA filed the affidavit of service as required by Procedural Order No. 2 along with a letter providing an update on the EDA's appeal to the Divisional Court and requesting a change to the January 14th hearing date owing to the

unavailability of its counsel on that day. The Board will accommodate this request and will set a new hearing date. All other dates contained in Procedural Order No. 2 will remain unchanged. The Board has allotted one half day in its schedule for the oral hearing as it considers this amount of time to be sufficient for it to seek any clarity or better understanding of the written submissions that may be required.

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

THE BOARD ORDERS THAT:

1. Part 7 of Procedural Order No. 2 issued by the Board on December 10, 2012 and setting the date for the oral hearing in this matter for January 14, 2013 is hereby rescinded.
2. An oral hearing will be held beginning at **9:00 a.m.** in the Board's West Hearing Room on **January 23, 2013.**

All filings to the Board must quote file number EB-2012-0414, 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 diskette 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 19, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary