



EB-2012-0146/EB-2012-0380

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 London Hydro
Inc. for an order approving just and reasonable rates and
other charges for electricity distribution to be effective May 1,
2013.

PROCEDURAL ORDER NO. 2
December 24, 2012

London Hydro Inc. ("London Hydro") filed an application with the Ontario Energy Board (the "Board") on September 28, 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 London Hydro charges for electricity distribution, to be effective May 1, 2013. London Hydro also applied on September 25, 2012 to dispose of a variance account balance by means of rate riders, to be effective November 1, 2012. The Board combined the proceedings and assigned File No. EB-2012-0146/EB-2012-0380 to the proceeding.

The Board issued Procedural Order No. 1 on November 29, 2012, in which the Board among other things provided timelines for interrogatory requests and responses.

In the cover letter to the application, dated September 28, 2012, London Hydro requested that certain information be held in confidence by the Board pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction").

The first document is in relation to ongoing negotiation of a collective agreement between London Hydro and its employees' union (Tables C-1 shows past wage increases together with London Hydro's assumption about the wage level in the test year. Table C-2 shows comparable wage increase information for other distributors). The other document is a cost allocation study prepared by Navigant, relating to the cost of billing and collection services provided by London Hydro to the City of London. The

allocation is between water billing on behalf of the City of London and electricity billing required by London Hydro.

Board Decision:

As an interim measure, the Board will allow any parties that wish to review the documents for which confidentiality is requested, to do so after signing a copy of the Board's Declaration and Undertaking with respect to confidential documents, and filing it with the Board.

At this time, the Board will restrict access to counsel who execute the Board's Declaration and Undertaking. Parties that wish to make submissions on whether or not the Board should ultimately treat the information as confidential may do so in accordance with the steps set out below.

The Board has determined that amendments to the dates set out in Procedural Order No. 1 for interrogatory requests and responses are required. The amended dates are set out below.

The Board considers it necessary to make provision for the following procedural matters.

THE BOARD ORDERS THAT:

1. Parts 3 and 4 of Procedural Order No. 1 issued on November 29, 2012 are hereby rescinded.
2. London Hydro shall provide unredacted copies of all materials for which it is requesting confidentiality to all parties that have executed a Declaration and Undertaking pursuant to the Board's *Practice Direction on Confidential Filings*, if it has not done so already.
3. Parties wishing to make submissions on the confidentiality status of the proposed confidential documents shall file such submissions with the Board and serve them on London Hydro by **January 8, 2013**.
4. To the extent possible, parties shall frame submissions related to the proposed confidential material in a manner that will allow the submissions to be placed on the public record. If parties are not able to frame submissions in

- a manner that allows them to be placed on the public record, those submissions must be marked confidential.
5. If London Hydro wishes to respond to any submissions, it shall file its submissions with the Board and serve them on the intervenors by **January 14, 2013**.
 6. Any intervenor wishing information and material from London Hydro that is in addition to its pre-filed evidence with the Board and its responses to Board staff interrogatories, and that is relevant to the hearing, shall request such information by written interrogatories filed with the Board and served on London Hydro on or before **January 18, 2013**.
 7. Where possible, parties shall frame interrogatory requests related to material that the Board has found to be confidential in a manner that will allow the questions and responses to be placed on the public record.
 8. London Hydro shall file with the Board complete written responses to the interrogatories and serve them on the intervenors on or before **February 4, 2013**.
 9. Parties in receipt of confidential information shall, following the closing of the record to this proceeding, either return the subject information to the Board and communicate to London Hydro that they have done so, or destroy the information and execute a Certificate of Destruction. The Certificate must be filed with the Board and a copy sent to London Hydro within 15 days after the record is closed.

The Board may issue further procedural orders from time to time.

All filings to the Board must quote the file number, EB-2012-0146/EB-2012-0380, 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 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, Neil Mather at Neil.Mather@ontarioenergyboard.ca and Board Counsel, Kristi Sebalj at Kristi.Sebalj@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

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

DATED at Toronto, December 24, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary