



EB-2007-0691

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

AND IN THE MATTER OF a review of a notice of proposal
filed by Kruger Energy Inc. under section 81 of the *Ontario
Energy Board Act, 1998*.

PROCEDURAL ORDER NO. 4

On September 13, 2007, the Board issued a notice of review of Kruger Energy Inc.'s ("KEI") notice of proposal filed under section 81 of *Ontario Energy Board Act, 1998* (the "Act") relating to the construction and operation of a 100 MVA substation in the Municipality of Chatham-Kent. The proposed facility, which would be located near the Bloomfield Business Park, would be connected to the 230 kV transmission lines between the Chatham Transformer Station and the Lauzon Transformer Station. In accordance with section 82 of the Act, the Board has proceeded with the review of the proposal.

On October 26, 2007, the Board issued Procedural Order #1. The Board provided an opportunity for parties to file interrogatories and for responses to those interrogatories to be filed by KEI. Procedural Order #1 also provided an opportunity for parties to file evidence.

On March 27, 2008, the Board issued Procedural Order #2 wherein the Board convened a technical conference for April 14, 2008 and provided all parties the opportunity to file the questions that they would be asking at the technical conference by April 4, 2008.

On April 2, 2008, KEI filed a letter with the Board requesting that the technical conference be adjourned to early June. It was KEI's belief that it would not be in a position to address Board staff questions, filed on April 2, 2008, as fully as would be beneficial to the Board in its consideration of the section 81 notice of proposal. No party objected to the adjournment request. On April 11, 2008, the Board issued Procedural Order #3 granting the adjournment request.

The technical conference has been rescheduled to commence on June 12, 2008. The technical conference will provide all parties, including KEI, the opportunity to test all of the evidence filed to date.

All parties are reminded that section 82(3) of the Act states that the "Board shall make an order approving a proposal described in section 81 if it determines that the impact of the proposal would not adversely affect the development and maintenance of a competitive market." Therefore, the sole issue in this proceeding is whether the impact of the proposal adversely affects the development and maintenance of a competitive market. All evidence, interrogatories, and submissions in this proceeding, and all questions at the technical conference, must be focused on answering that question.

Accordingly, the Board expects the participants of the technical conference to address the following issues:

- (a) the capacity of the 230 kV lines between the Chatham Transformer Station and the Lauzon Transformer Station, in particular, whether the proposed substation could:
 - (i) limit future access to the 230 kV lines by other persons; and
 - (ii) impose limits on the Independent Electricity System Operator ("IESO") operation of the lines which could restrict other persons; and
- (b) the future operation of the proposed substation, in particular:
 - (i) what the process would be for selecting generation projects for connection to the proposed substation; and
 - (ii) whether the IESO and Hydro One connection processes could be adversely affected.

The Board considers it necessary to make provision for the procedural matters set out below. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. To the extent that it has not already done so, Kruger Energy Inc. shall immediately provide a copy of all the material it has filed with the Board to the intervenors.

2. A transcribed technical conference will be held at 2300 Yonge Street, 25th floor, Toronto, Ontario in the Board's West Hearing Room. The technical conference will commence on June 12, 2008 at 9:30 AM and may continue the next day. Parties shall confirm their attendance by writing to the Board Secretary or by sending an email to Boardsec@oeb.gov.on.ca by May 16, 2008.
3. To the extent that they have not already done so, if intervenors and Board staff plan to ask for additional information at the technical conference on any of the evidence or responses to interrogatories previously filed with the Board, intervenors and Board staff shall file questions with the Board and deliver them to Kruger Energy Inc. and all intervenors on or before May 30, 2008. The questions must be related to the impact of the proposal on the development and maintenance of a competitive market and the issues identified in this procedural order. Where possible, the questions should specifically reference evidence.

All filings to the Board must quote file number EB-2007-0691, and consist of an electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca, and four paper copies sent to the address below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with four paper copies. Those who do not have computer access are required to file seven 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. Parties must also include the Case Manager, Violet Binette (violet.binette@oeb.gov.on.ca), on all electronic correspondence related to this case.

ISSUED at Toronto, May 8, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

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APPENDIX A

KRUGER ENERGY INC.

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LIST OF PARTIES

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Intervenors	Rep. And Address for Delivery
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Intervenors	Rep. And Address for Delivery
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AND	<p>Mr. Dave Kenney President Chatham-Kent Hydro Inc. 320 Queen St. Chatham ON N7M 5K2</p> <p>Tel: (519) 352-6300 (261) Fax: (519) 352-9860 Email: davekenney@ckhydro.com</p>
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