



EB-2012-0337

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

AND IN THE MATTER OF a Motion to Review and
Vary by the Association of Power Producers of
Ontario pursuant to the Ontario Energy Board's *Rules
of Practice and Procedure* for a review of the Board's
Decision and Order on Cost Awards in proceeding
EB-2012-0337.

**NOTICE OF MOTION TO VARY
AND PROCEDURAL ORDER No. 1
June 27, 2013**

On May 21, 2013, the Association of Power Producers on Ontario ("APPrO") filed with the Ontario Energy Board (the "Board") a Notice of Motion to Review and Vary (the "Motion") the Board's Decision and Order on Cost Awards dated May 1, 2013 in respect of Union Gas Limited's ("Union") 2013-2014 Large Volume Demand Side Management ("DSM") Plan (EB-2012-0337). The Board will continue to use the same file number when hearing the Motion.

The Motion seeks to vary the Board's EB-2012-0337 Decision and Order on Cost Awards to permit APPrO to recover its full cost claim amount of \$189,546.20 for its participation in Union's 2013-2014 Large Volume DSM Plan proceeding. The grounds for the Motion are that the Board made two errors of fact in its Decision, which call into question the correctness of the Board's Decision. The Motion alleges that the Board made factual errors when interpreting two elements of APPrO's participation, namely: with respect to the survey that was conducted of APPrO members; and, with respect to the consultant and legal costs APPrO incurred in preparation for the Oral Hearing.

APPrO proposed that the Motion be heard by way of a written hearing.

The Board has determined that it will dispense with the “threshold question” permitted by Section 45.01 of the Rules of Practice and Procedure. The Board will hear the Motion in writing.

THE BOARD THEREFORE ORDERS THAT:

1. APPrO shall file any additional material in support of its Motion with the Board and serve it on Union Gas on or before **Friday, July 12, 2013**.
2. Union Gas and Board staff may file written submissions with the Board and serve it on APPrO on or before **Friday, July 26, 2013**.
3. APPrO may file a written reply submission with the Board and serve it on Union Gas on or before **Friday, August 9, 2013**.

All filings to the Board must quote file number **EB-2012-0337**, be made through the Board’s web portal at 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 shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at 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, Josh Wasylyk at josh.wasylyk@ontarioenergyboard.ca and Board Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, June 27, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary