



EB-2013-0233

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 East Durham Wind, Inc. for an Order or Orders pursuant to section 41(9) of the *Electricity Act 1998*, S.O. 1998, c. 15, Schedule A, as amended, establishing the location of East Durham Wind Inc.'s distribution facilities within certain road allowances owned by the Municipality of West Grey.

PROCEDURAL ORDER NO.1
July 30, 2013

East Durham Wind, Inc., ("East Durham") filed an application dated June 14, 2013 with the Board, under subsection 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended (the "*Electricity Act*") for an order or orders of the Board establishing the location of approximately 9.1 kilometers of East Durham's proposed distribution facilities within certain public streets, highways and right-of-ways owned by the Municipality of West Grey (the "Municipality"). The Board assigned File No. EB-2013-0233 to this application.

Notice of Application and Service

The Board issued a Notice of Application and Written Hearing (the "Notice") on July 9, 2013, and directed East Durham to serve and publicize the Notice. East Durham filed an affidavit that indicated that it has served the Notice as directed by the Board.

Participation in the Proceeding and Cost Eligibility

The Board received a request for intervenor status from the Municipality of West Grey. John Harder, Gay Marshall and Anne Howard have requested observer status. The Board also received letters of comment from Gay Marshall, Florence McCallum and Anne Howard. The Board grants intervenor status to the Municipality of West Grey. The Board also grants observer status to John Harder, Gay Marshall and Anne Howard.

The addresses of East Durham and the Municipality of West Grey are attached as Appendix A.

The Board notes that when assessing a party's eligibility for costs, the Board is guided by the *Practice Direction on Cost Awards* (the "Practice Direction") which explicitly excludes public bodies from eligibility. Consequently the Municipality would not be eligible for a cost award. The Practice Direction and related forms are available on the Board's website at www.ontarioenergyboard.ca.

Form of Hearing

East Durham has requested a written hearing. The Board is considering this request. If a party objects to a written hearing, it must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to East Durham within 7 days of the publication date of this Order.

Scope of the Board's Jurisdiction in this Proceeding

The Board wishes to remind parties that the scope of this proceeding is limited to determining the location of East Durham's distribution facilities within the road allowances owned by the Municipality. The consideration of any aspect of the proposed wind generation facilities is not within the Board's jurisdiction.

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. Any party that wishes to provide evidence related to the issues in this proceeding shall file such evidence with the Board and serve it on all other parties on or before **August 7, 2013**.
2. If Board staff or any party wishes information from East Durham that is in addition to the evidence filed with the Board and that is relevant to the hearing, they shall request the information by means of written interrogatories filed with the Board and delivered to all parties on or before **August 15, 2013**. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based.
3. If East Durham, Board staff or any party wishes information that relates to any evidence filed by a party other than East Durham under part 1 of this Order, it shall request the information by means of written interrogatories filed with the Board and delivered to all parties on or before **August 15, 2013**.
4. East Durham shall file with the Board and deliver to all other parties and Board staff, a complete response to each of the interrogatories on its evidence on or before **August 26, 2013**.
5. Any party to whom interrogatories are addressed under part 3 of this Order shall file with the Board and deliver to East Durham, Board staff, and all other parties, a complete response to each of the interrogatories on or before **August 26, 2013**.
6. East Durham shall file its argument-in-chief, if any, with the Board and deliver to all other parties on or before **September 4, 2013**.
7. Board staff shall file any responding submissions with the Board, and copy East Durham and all parties, on or before **September 6, 2013**.
8. Any other party shall file any responding submissions with the Board, and copy East Durham and all parties, on or before **September 11, 2013**.
9. East Durham shall file its reply submission with the Board and copy all parties on or before **September 19, 2013**.

All filings to the Board must quote file number EB-2013-0233, 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 shall 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 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.

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, July 30, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**APPENDIX 'A' TO
PROCEDURAL ORDER NO. 1**

**Applicant and List of Intervenors
East Durham Wind Inc.
Board File No: EB-2013-0233**

July 30, 2013

**East Durham Wind, Inc.
EB-2013-0233**

APPLICANT & LIST OF INTERVENORS

July 30, 2013

APPLICANT

Rep. and Address for Service

East Durham Wind, Inc.

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INTERVENORS

Rep. and Address for Service

Municipality of West Grey

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