



EB-2012-0116

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 Collus PowerStream Corp. for an order approving just and reasonable rates and other charges for electricity distribution to be effective September 1, 2013.

PROCEDURAL ORDER NO. 2

Collus PowerStream Corp. ("Collus PowerStream" or "the Applicant") filed a complete application with the Ontario Energy Board (the "Board"), received on May 24, 2013 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 Collus PowerStream charges for electricity distribution, to be effective September 1, 2013.

In Procedural Order No. 1, issued on July 10, 2013, the Board approved the intervenors in this proceeding, and set dates for interrogatories, interrogatory responses, a technical conference, settlement conference and the filing of a settlement proposal. In addition the Board made its determination regarding the cost eligibility of intervenors.

On September 9, 2013 Collus PowerStream filed its response to undertakings given at the technical conference held on September 3, 2013. In accordance with the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"), PowerStream filed a letter with the Board requesting confidential treatment of two documents which were filed in response to undertakings. The documents are the contracts between Collus PowerStream and Utility Collaborative Services Inc. ("UCS") and the Cornerstone Hydro Electric Concepts Association Inc. ("CHEC"). Collus PowerStream submitted that the terms of these agreements could reasonably be expected to prejudice the economic interest and competitive position of the companies involved. Collus PowerStream submitted that this would be injurious to the financial interest of CHEC and UCS since it

would enable their competitors to ascertain the scope and pricing of services provided by CHEC and UCS. Collus PowerStream further noted that disclosure at this time could adversely affect its ability to obtain competitive pricing for these services in the future. In a letter filed on September 10, 2013, Collus PowerStream again confirmed that the third party, UCS requested that the contract be kept in confidence.

The Board notes that the School Energy Coalition (“SEC”) served and filed an executed Declaration and Undertaking and that the Applicant has provided a copy of the documents for which it is seeking confidentiality on SEC. No other parties have filed Declarations and Undertakings. In accordance with the Practice Direction any party to a proceeding may object to the request for confidentiality by filing a written objection. This Procedural Order addresses the process for receiving such objections. Subsequent to any and all submissions received pursuant to this Procedural Order, the Board intends to make its findings with respect to Collus PowerStream’s claim for confidentiality.

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. Board staff and intervenors shall file any written submissions concerning the request for confidential treatment of the document for which Collus PowerStream Corp. is claiming confidentiality with the Board and delivered to Collus PowerStream and all other intervenors on or before **September 20, 2013**. Submissions should comply with the Practice Direction, specifically sections 5.16 and 5.17.
2. Collus PowerStream Corp. shall file with the Board and deliver to all intervenors any reply submissions relating to the confidentiality request, pursuant to section 5.18 of the Practice Direction on or before **September 24, 2013**.

All filings to the Board must quote the file number, EB-2012-0116, 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, Birgit Armstrong at birgit.armstrong@ontarioenergyboard.ca and Board Counsel, Maureen Helt at maureen.helt@ontarioenergyboard.ca.

ADDRESS:

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Attention: Board Secretary

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DATED at Toronto, September 19, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary