



**EB-2006-0210**

**IN THE MATTER OF** a proceeding initiated by the Ontario Energy Board pursuant to sections 19 and 74 of the *Ontario Energy Board Act, 1998* to amend the licence of Thunder Bay Hydro Electricity Distribution Inc. in order to exempt it from section 3.2 of the Retail Settlement Code in relation to a specific retail embedded generator.

**PROCEDURAL ORDER NO. 1**

Pursuant to sections 19 and 74 of the *Ontario Energy Board Act, 1998* (the “Act”), the Ontario Energy Board (the “Board”) commenced a proceeding on its own motion to determine whether a licence amendment should be granted to Thunder Bay Hydro Electricity Distribution Inc. (“Thunder Bay Hydro”) in order to exempt it from section 3.2 of the Retail Settlement Code (the “Code”) in relation to a specific retail embedded generator. The licence amendment would be necessary if the Board decided to approve the pricing mechanism described within a Settlement Agreement between Thunder Bay Hydro and Current River Hydro Partnership (“Current River”). The pricing mechanism would permit Thunder Bay Hydro to purchase power from Current River at a price greater than HOEP.

A Notice of Proceeding and Notice of Written Hearing (the “Notice”) was issued by the Board on October 25, 2006. The Board received 1 request for intervenor status by the deadline of November 6, 2006 from Thunder Bay Hydro. The Board received a late request for intervention from Current River. The Board has granted their request.

No person objected to a written hearing. The Board intends to proceed by way of written hearing.

The Board considers it expedient to identify matters that will and will not be issues in this proceeding. Specifically, this proceeding will not address the fairness of the Settlement Agreement or the circumstances under which the Settlement Agreement was entered into. The Board considers this to be a civil arrangement between the parties. The Board intends to review the Settlement Agreement only in relation to the pricing mechanism set out in the Settlement Agreement.

Therefore, the Board considers it necessary to make provision for the following items related to this proceeding. Further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. This hearing will proceed by way of written hearing.
2. Thunder Bay Hydro Distribution Inc. shall file a copy of the Settlement Agreement between Thunder Bay Hydro Electricity Distribution Inc. and Current River Hydro Partnership on or before December 5, 2006.
3. Parties who wish to file a written submission outlining their views on the pricing mechanism set out in the Settlement Agreement and the proposed licence amendment shall file the written submission with the Board and deliver it to all other parties on or before December 5, 2006.
4. Board staff and any party to this proceeding who file interrogatories with the Board must deliver it to the other parties to the proceeding by December 12, 2006.
5. The parties shall file written replies to the interrogatories with the Board and deliver it to all other parties to his proceeding by December 19, 2006.

6. All filings to the Board noted in this Procedural Order must be in the form of 4 paper copies and must be received by the Board by 4:45 p.m. on the stated dates. The filings must be addressed to the Board Secretary as follows:

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4

In addition to filing 4 paper copies, an electronic version of the written submission must be provided in Word and, if available, in searchable Adobe Acrobat (PDF). Electronic copies may be provided on diskette or by e-mail to the Board Secretary at Boardsec@oeb.gov.on.ca.

7. A list of parties to this proceeding is attached as Appendix A to this procedural order.

ISSUED at Toronto, November 28, 2006.

**ONTARIO ENERGY BOARD**

*Original signed by*

Peter H. O'Dell  
Assistant Board Secretary

**Appendix A  
to  
Procedural Order No. 1**

**EB-2006-0210**

**List of Intervenors**

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|----|---|--|
| 1. | Thunder Bay Hydro Electricity<br>Distribution Incorporated (Thunder<br>Bay Hydro) | Mr. Robert Mace<br>President<br>Thunder Bay Hydro<br>34 N. Cumberland Street<br>Thunder Bay ON P7A 4L4<br>Tel: 807 343-1111<br>Fax: 807-343-0230<br>Email: <a href="mailto:rmace@tbhydro.on.ca">rmace@tbhydro.on.ca</a>      |
| 2. | Current River Hydro Partnership   | Mr. Robert Whiteside<br>General Partner<br>Current River Hydro Partnership<br>203 County Blvd.<br>Thunder Bay ON P7A 7P3<br>Tel: 1-807-767-2352<br>Email: <a href="mailto:rwhiteside@hotmail.com">rwhiteside@hotmail.com</a> |