



**EB-2006-0232**

**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 the Electricity  
Distributors Association pursuant to section 74 of the *Ontario  
Energy Board Act, 1998* for an Order or Orders amending  
the electricity distribution licenses of all licensed electricity  
distributors in Ontario.

### **PROCEDURAL ORDER NO. 1**

On September 20, 2006, the Electricity Distributors Association (the “EDA”) filed with the Ontario Energy Board (the “Board”) an application under section 74 of the *Ontario Energy Board Act, 1998* (the “Act”) seeking an order or orders amending the electricity distribution licences of all licensed electricity distributors in Ontario by amending the Board’s *Affiliate Relationships Code for Electricity Distributors and Transmitters* (the “Code”). The application also requests interim relief regarding the continuation of compliance activities pending determination of the application by the Board. The Board has assigned the application Board file number EB-2006-0232.

The Board issued a Notice of Application and Hearing on March 6, 2007. The Applicant published and served the Notice as directed.

Several parties filed with the Board requests for intervenor status. With one exception, the Board has granted intervenor status to all those that requested it, and a list of parties to this proceeding is attached as Appendix “A” to this Procedural Order.

The licence amendments sought by the application are amendments to the Code. The Board believes that there is a threshold question to be addressed in this proceeding; namely, whether amendments to a Code can be made by the Board pursuant to an application to amend a licence under section 74 of the Act, or whether amendments to a Code are to be made pursuant to the notice and comment process set out in sections 70.1 to 70.3 of the Act. The Board will therefore determine this threshold question as a preliminary matter before proceeding further with the application.

The Board considers it necessary to make provision for the following procedural matters. Further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. The EDA shall, on or before **Monday April 23, 2007**, file with the Board and deliver to all other parties a factum addressing the threshold question of whether amendments to a code can be made by the Board pursuant to an application under section 74 of the Act, or whether amendments to a code must be made pursuant to the notice and comment process set out in sections 70.1 to 70.3 of the Act.
2. Board staff and any intervenor may file a factum in response to the EDA's factum on the threshold question. The responding factums shall be filed with the Board and delivered to all other parties, on or before **Thursday May 3, 2007**.
3. The Board will hear all parties' submissions on the threshold question at an oral hearing to be held on **Friday May 18**, and if necessary will extend to **Tuesday May 22, and Thursday May 24, 2007**. The hearing will commence at 9:30 a.m. in the Board's hearing room at 2300 Yonge Street, Toronto, Ontario on the 25<sup>th</sup> floor.
4. The order of submissions will be EDA, in-chief, other parties, EDA in-reply. All parties shall confine their submissions to the material in their factums and to responding to the factums of other parties and shall address only the threshold issue.

All filings to the Board noted in this Procedural Order must be in the form of 10 hard copies and must be received by the Board Secretary by 4:45 p.m. on the stated date. The Board requests that parties also submit an electronic copy of their filings in searchable, accessible Adobe Acrobat (PDF), if available, or MS Word. Electronic copies should be sent to [boardsec@gov.on.ca](mailto:boardsec@gov.on.ca), with a copy to the case manager, Tobi Baumhard, at [tobi.baumhard@oeb.gov.on.ca](mailto:tobi.baumhard@oeb.gov.on.ca).

**DATED** at Toronto, April 12, 2007

ONTARIO ENERGY BOARD

*Original signed by*

Peter H. O'Dell  
Assistant Board Secretary

**Appendix “A”**

**to**

**Procedural Order No. 1  
April 12, 2007**

**Electricity Distributors Association  
Application for an Order or Orders Amending the Electricity Distribution  
Licenses of All Licensed Electricity Distributors in Ontario**

**EB-2006-0232**

**APPLICANT & LIST OF INTERVENORS**

**ELECTRICITY DISTRIBUTORS ASSOCIATION  
APPLICATION FOR AN ORDER OR ORDERS AMENDING THE ELECTRICITY  
DISTRIBUTION LICENCES OF ALL LICENSED ELECTRICITY DISTRIBUTORS  
EB-2006-0232  
APPLICANT & LIST OF INTERVENTIONS**

**April 12, 2007**

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