



EB-2006-0052

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 Sithe Global Power Goreway ULC (formerly Sithe Energies Canadian Development, Ltd. and subsequently Sithe Canada Ltd.) for an order or orders granting leave to construct an electricity transmission line, make an interconnection with the transmission system owned by Hydro One Networks Inc., and construct a transmission line over a highway and other utility lines, all in the City of Brampton;

AND IN THE MATTER OF a Notice of Proposal pursuant to section 81 of the *Ontario Energy Board Act*, 1998 by Sithe Energies Canadian Development, Ltd., a generator, to construct a transmission system;

AND IN THE MATTER OF a Motion by Sithe Global Power Goreway ULC to vary the Order issued by the Ontario Energy Board dated September 9, 2002, as varied by the Vary Order dated November 20, 2002, the Decision and Order issued October 31, 2003, the Vary Order dated September 1, 2005 and the Vary Order dated December 5, 2005, in respect of a change in the name of the entity granted leave to construct as a result of a restructuring.

PROCEDURAL ORDER NO. 1

On September 9, 2002, the Board issued an Order pursuant to an application by Sithe Energies Canadian Development, Ltd. under sections 92 and 101 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, Schedule B (the "Act") for leave to construct a 230 kilovolt transmission line of approximately 2 kilometres in length in the City of Brampton (proceeding RP-2001-0033). That Order has subsequently been the subject of further Orders of the Board dated November 20, 2002, October 31, 2003, September 1, 2005

and December 2, 2005. The Order as varied currently grants leave to construct to Sithe Global Power Goreway ULC ("Goreway ULC").

On March 2, 2006, Goreway ULC filed a Motion Record with the Board containing a Notice of Motion requesting the following relief:

- (i) an Order varying the Order of the Board issued on September 9, 2002, as subsequently varied as described above, to replace the name of the Applicant, Goreway ULC, with Goreway Station Partnership as a result of a change in the ownership structure;
- (ii) an Order amending the requirement contained in Rule 42.03 of the Board's *Rules of Practice and Procedure* (the "Rules") requiring that a Notice of Motion be filed and served within 20 calendar days of the date of the Order;
- (iii) an Order dispensing with an oral hearing of the Motion; and
- (iv) such further and other Orders as the Board considers just and necessary.

The Motion is made under section 18 of the Act, Rules 1.03, 7, 34.01, 42, 43 and 44 of the Rules and sections 21.2, 25.0.1 and 25.1(1) of the *Statutory Powers Procedure Act*.

According to the materials filed by Goreway ULC, all intervenors of record in the earlier proceedings involving this matter (proceeding RP-2001-0033 and proceeding RP-2001-0033 / EB-2005-0505) (the "Intervenors") were provided with a copy the Motion Record. The Intervenors are listed in Appendix A to this Procedural Order. The Board has assigned file number EB-2006-0052 to this proceeding.

The Board will proceed with this matter by way of a written hearing unless any party satisfies the Board that there is a good reason for not proceeding by way of a written hearing.

The Board considers it necessary to make provision for the following items related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Any Intervenor wishing to make submissions objecting to a written hearing shall file such submissions with the Board and deliver such submissions to Goreway ULC and to all other Intervenors no later than **March 21, 2006**.

2. Any Intervenor wishing to make submissions regarding the relief sought in the Motion shall file such submissions with the Board and deliver such submissions to Goreway ULC and to all other Intervenors no later than **March 21, 2006**.
3. Goreway ULC shall file its response to submissions by Intervenors with the Board and deliver such response to all Intervenors no later than **March 27, 2006**.
4. All filings to the Board noted in this Procedural Order must be in the form of **9 hard copies and must be received by the Board by 4:45 p.m.** on the stated dates. The Board requests that, in addition to the hard copies which are filed, all parties make every effort to include a copy of their filings on disk or by e-mail, in PDF and Word format.

ISSUED at Toronto, March 15, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary