



EB-2007-0067

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF a motion by Thunder Bay Hydro
Electricity Distribution Inc. requesting the Board to review
and vary certain aspects of Decision and Order RP-2005-
0020 / EB-2005-0419 dated April 12, 2006 and Vary Order
RP-2005-0020 / EB-2005-0419 dated December 29, 2006.

PROCEDURAL ORDER NO. 1

Thunder Bay Hydro Electricity Distribution Inc. ("Thunder Bay Hydro") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B as amended, for an order approving or fixing just and reasonable rates for the distribution of electricity, to be effective as of May 1, 2006. The Board assigned file number RP-2005-0020 / EB-2005-0419 to the application.

The Board issued its Decision and Order related to this application on April 12, 2006. On December 29, 2006, the Board issued a Vary Order to correct an error which had resulted in incorrect rates being included in the Tariff of Rates and Charges attached to the Board's April 12, 2006 Decision and Order.

On March 19, 2007, the Board received a Notice of Motion from Thunder Bay Hydro, dated March 16, 2007. The Notice of Motion sought: (1) leave of the Board to bring this Notice of Motion for review outside the twenty calendar days from the date of the Vary Order dated December 29, 2006; and (2) for the review of the Vary Order in Board File Number RP-2005-0020 / EB-2005-0419 with respect to Thunder Bay's 2007 distribution rates.

The Board has agreed to hold an oral hearing to consider the threshold question of whether the matter should be reviewed and the relief sought in the Notice of Motion.

The Board expects the applicant to address a number of issues which include, but are not limited to, the following:

- Threshold issues, including whether or not the Notice of Motion is properly constituted and the reasons the Board should hear it, given the responsibility of applicants to raise concerns about errors in a timely fashion.
- Thunder Bay Hydro's position on whether or not its proposed means of correcting the error is in conformity with the Electricity Distribution Rates ("EDR") 2006 Handbook and, if so, why and, if not, why a departure from the Handbook is justified.
- The accuracy of Thunder Bay Hydro's billing determinant statistics, as provided on Worksheet 6-2 of the EDR 2006 model, and in the event Thunder Bay Hydro cannot provide the Board with clarity with respect to this issue, on what basis it would see the Board making a determination as to the alleged error.
- Thunder Bay Hydro's position on whether or not any recovery allowed should be prospective or retrospective in nature and why.

THE BOARD THEREFORE ORDERS THAT:

1. Board staff and intervenors shall file interrogatories with the Board, and serve them on Thunder Bay Hydro Electricity Distribution Inc. and registered intervenors in those proceedings on or before May 2, 2007.
2. Thunder Bay Hydro Electricity Distribution Inc. shall file its responses to any interrogatories with the Board and serve them on registered intervenors on or before May 16, 2007.
3. The oral hearing of the motion will commence at 9:30 am on May 23, 2007 in the Board's West hearing room at 2300 Yonge Street, Toronto.
4. All filings to the Board noted in this Order must be in the form of 10 hard copies and must be received by the Board by 4:45 p.m. on the stated dates. The Board also requires all filings to be in electronic form. Therefore, all parties must also email electronic copies of their filings to the Board Secretary at Boardsec@oeb.gov.on.ca., or otherwise make them available on CD or diskette.

The Board requests that all parties make every effort to provide their filings in MS Word or MS Excel format for word-processed and spreadsheet documents respectively, or at a minimum in searchable PDF format.

5. Service of documents to parties other than the Board may be effected by email only, except when the party served specifically requests paper copies.

ISSUED at Toronto, April 20, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary