



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. 2

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.

On May 10, 2007, the Board received a letter from Thunder Bay Hydro amending its Notice of Motion to request that: (1) the Board review and vary its decision in EB-2007-0580 dated April 20, 2007 (Thunder Bay Hydro's 2007 IRM adjustment); and (2) the Board combine this proceeding (EB-2007-0067) with the review of the EB-2007-0580 decision. The Board granted Thunder Bay Hydro's requests. As such, should the Board determine that the applicant has met the threshold of whether the matter should be reviewed; the Board's review will now include a consideration of how its findings in the review motion may impact the Board's decision in Thunder Bay Hydro's 2007 IRM adjustment.

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, as amended.

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 has determined that a pre-hearing conference should be held prior to the formal hearing. This additional procedural step requires some amendments to the existing schedule as provided in a previous procedural order.

THE BOARD THEREFORE ORDERS THAT:

1. A technical conference shall be held commencing at 9:30 on May 23, 2007 in the Board's West hearing room at 2300 Yonge Street, Toronto. The purpose of the technical conference is primarily to review and clarify the application and evidence. The discussions will be transcribed and the transcript will form part of the record of this proceeding. Should the technical conference result in an agreed statement of facts or a similar agreement on the technical aspects of the matter, this shall be presented to the Board at the commencement of the oral hearing.
2. An oral hearing will commence at 9:30 a.m. on June 4, 2007, in the Board's West hearing room at 2300 Yonge Street.

ISSUED at Toronto, May 18, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary