



EB-2004-0476

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 Hydro One Networks Inc. for an Order or Orders granting leave to construct a transmission reinforcement project in the Niagara Peninsula area.

Procedural Order No. 8

An application dated October 29, 2004 (the "Application") has been filed by Hydro One Networks Inc. (the "Applicant") with the Ontario Energy Board (the "Board") under section 92 of the *Ontario Energy Board Act, 1998* (the "Act"), seeking an Order of the Board granting leave to construct a transmission system reinforcement project in the Niagara Peninsula area (the "Project"). The Application was assigned Board File No. EB-2004-0476.

The registered intervenors in this proceeding are: the Independent Electricity System Operator (the "IESO"); the Association of Major Power Consumers of Ontario ("AMPCO"); Imperial Oil; and Susan Morrison and John Palcic (the "Landowners") (altogether, the "Intervenors"). A list of the parties to this proceeding is attached as Appendix A to this Procedural Order.

The Board has previously issued a number of procedural orders in relation to this proceeding. On December 17, 2004, the Board issued Procedural Order No. 1 which established a process for the submission of interrogatories and interrogatory responses.

On February 2, 2005, the Board issued Procedural Order No. 2 which addressed certain confidentiality issues, the timing of a technical conference and other scheduling issues. On February 24, 2005, the Board issued Procedural Order No. 3 which established a schedule and process for the filing of responses to supplementary interrogatories and submissions. On March 11, 2005, the Board issued Procedural Order No. 4 which revised the dates for the submission of supplementary interrogatories and the filing of submissions by the Intervenors.

On May 18, 2005, the Board issued an Interim Decision in this proceeding. In its Interim Decision, the Board stated that it would not grant leave to construct the Project at that time as there was insufficient evidence before the Board to allow it to make a determination that the Project was in the public interest as required by the Act. However, the Board also stated that it accepted that the combination of the benefits of congestion reduction and reliability enhancement that may result from the Project could be considerable. The Board therefore directed the Applicant to file additional evidence in support of the Project.

On May 18, 2005, the Board also issued Procedural Order No. 5, which identified four broad areas of additional evidence to be filed by the Applicant. Procedural Order No. 5 also required that the Applicant contact Board staff by May 27, 2005 to develop a schedule for the filing of evidence by the Applicant.

On May 27, 2005, the Applicant filed with the Board, and delivered to all Intervenor, a letter in response to Procedural Order No. 5. In its letter, the Applicant indicated that it could provide additional evidence on two of the four broad areas, namely, the supply to Dunville and the easement that applies to the Landowners' property. With respect to the two remaining areas, the Applicant submitted that the quantification of the benefits associated with congestion relief and system reliability should be completed by the entities that have the information and the mandate under the *Electricity Act, 1998* to complete the necessary studies (namely, the Ontario Power Authority and the IESO). The Applicant also indicated its willingness to work with the Ontario Power Authority and the IESO in order to complete the necessary studies.

On June 7, 2005, the Applicant submitted additional evidence on the supply to Dunville and the easement issues. By letter dated June 14, 2005, the Applicant confirmed that it did not intend to file any further evidence in this proceeding beyond that which had already been filed. The Board does not anticipate that either the Ontario Power Authority or the IESO will file any evidence in relation to the matters raised in Procedural Order No. 5.

On June 21, 2005, the Board issued Procedural Order No. 6 which offered Intervenor an opportunity to comment on the Applicant's letter dated May 27, 2005, and the additional evidence filed by the Applicant on June 7, 2005. The deadline for submissions was June 24, 2005.

On June 24, 2005, the Board received a submission from the Landowners. On that date the Board also received a letter from counsel to AMPCO requesting an extension of the deadline from June 24, 2005 to June 30, 2005. AMPCO indicated that its consultant in this matter had been out of town and did not become aware of Procedural Order No. 6 until June 23, 2005.

On June 28, 2005, the Board issued Procedural Order No. 7 which extended the deadline for submissions from AMPCO to June 30, 2005.

The Board has decided to allow the Applicant an opportunity to reply to the submissions of the Landowners and AMPCO dated June 24, 2005 and June 30, 2005, respectively.

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. Hydro One Networks Inc. shall file with the Board, and deliver to all other Intervenor, any response to or submissions regarding the submission of the Landowners dated June 24, 2005 and the submission of AMPCO dated June 30, 2005, on or before Wednesday, **July 6, 2005**.
2. 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 date. The Board requests that, in addition to the hard copies that are filed, all parties make every effort to submit a copy of their filings in Word or PDF format, either on diskette or by e-mail to boardsec@oeb.gov.on.ca.

ISSUED at Toronto, July 5, 2005.

ONTARIO ENERGY BOARD

Original Signed by

Peter H. O'Dell
Assistant Board Secretary

Appendix A

Procedural Order No. 8

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Dated: July 5, 2005

July 5, 2005

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Hydro One Networks Inc.

Leave to Construct Transmission Facilities in the Niagara Peninsula Area

APPLICANT AND LIST OF INTERVENORS

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