



**EB-2014-0299**

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

**AND IN THE MATTER OF** an application by Greenfield South Power Corporation for a certificate of public convenience and necessity, pursuant to section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M. 55.

**PROCEDURAL ORDER NO. 4**  
**December 31, 2014**

The Ontario Energy Board received an application from Greenfield South Power Corporation ("Greenfield") for a Certificate of Public Convenience and Necessity ("Certificate") under section 8(1) of the *Municipal Franchises Act* on September 18, 2014, with amendments filed on September 25, 2014 ("Greenfield's Certificate Application").

The Board granted intervenor status to Union Gas Limited ("Union") and the Ontario Power Authority. A Notice of Application was issued on September 26, 2014 and was served and published as the Board directed.

The Board issued Procedural Order ("PO") No. 1 on October 28, 2014 establishing an Issues List and setting the timeline for a written discovery process including opportunity for intervenors and Board staff to file evidence.

On November 5, 2014 Greenfield filed supplementary evidence which was challenged by Union but ultimately accepted by the Board because it is within the scope of the proceeding and provides a more complete record of the issues set out in the Issues List.

In the PO No. 1, the Board stated that it intended to proceed with a written discovery process followed by oral submissions of the parties.

The Board issued PO NO. 2 on November 7, 2014 amending the timeline for the filing of evidence and the completion of the written discovery process to

accommodate a request from Union for more time to review Greenfield's supplementary evidence.

On December 16, 2014 the Board issued PO No. 3 setting the oral hearing for January 16, 2015, starting at 9:30 am in the West Hearing Room at the Board's offices.

Union requested, in a letter dated December 19, 2014, that the Board allow parties to cross-examine witnesses in the oral hearing on January 16, 2015. Greenfield objected to this request in a letter received by the Board on December 23, 2014.

The Board has considered Union's request and Greenfield's reply and has decided to grant Union's request for cross examination and to provide Greenfield and Board staff with the same opportunity.

The Board is concerned however that Union failed to take any position previously to suggest that Greenfield's responses to interrogatories were deficient. The Board has a well-established practice set out in the Board's Rules of Practice and Procedure for parties to bring a motion requesting better and more complete answers to interrogatories. The Board notes that Greenfield's interrogatory responses were provided to Union almost a month ago, affording Union sufficient time to bring such a motion. Despite this fact, the Board will allow for cross examination at the oral hearing as it may assist in addressing any outstanding issues before the Panel.

By way of this procedural order, the Board will allow parties to cross-examine at the oral hearing scheduled for January 16<sup>th</sup>, 2015. The Board finds it necessary to make provision for the following.

#### **THE BOARD ORDERS THAT:**

An Oral Hearing will be held at the Board's offices located at 2300 Yonge Street, Toronto, Ontario, on the 25th Floor in the **North Hearing Room** on **Friday, January 16, 2015 at 9:00 a.m.**

#### **ADDRESS**

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**ISSUED** at Toronto, December 31, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary