



EB-2017-0269

**Newmarket-Tay Power Distribution Ltd.
Midland Power Utility Corporation**

**Application by Newmarket-Tay Power Distribution Ltd.
for approval to purchase and subsequently amalgamate
with Midland Power Utility Corporation**

**PROCEDURAL ORDER NO. 2
February 2, 2018**

Newmarket-Tay Power Distribution Ltd. (Newmarket-Tay Power) and Midland Power Utility Corporation (Midland Power) filed an application on July 18, 2017 under section 86 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (Act), requesting approval for the:

- Acquisition of all of the shares of Midland Power by Newmarket-Tay Power
- Transfer of Midland Power's distribution system to Newmarket-Tay Power
- Amalgamation of Newmarket-Tay Power and Midland Power, following the share purchase

As part of the proposed consolidation transaction, the applicants are requesting approval for:

- Transfer of Midland Power's rate order to Newmarket-Tay Power, under section 18 of the Act
- Cancellation of Midland Power's electricity distribution licence, under section 77(5) of the Act
- Amendment of Newmarket-Tay Power's electricity distribution licence, under section 74 of the Act

The OEB issued a Notice of Hearing on August 31, 2017. In Procedural Order No. 1 issued on October 30, 2017, the OEB approved the School Energy Coalition (SEC) as an intervenor and set out the process for the filing of interrogatories and interrogatory responses. Interrogatories were filed by SEC and OEB staff on November 15, 2017 and November 17, 2017 respectively, and responded to by the applicants on December 7, 2017.

In a letter filed on January 29, 2018, OEB staff requested that the OEB provide for supplementary interrogatories to enable OEB staff to make submissions on whether or not the no harm test is satisfied.

The OEB acknowledges a letter from the applicants filed on January 30, 2018 objecting to OEB staff's request for further interrogatories. The OEB recognizes that the processing of this application has taken considerably longer than the target metric. Unfortunately the OEB's regulatory calendar as a whole can introduce temporary unforeseen pressures on meeting its published timeline objectives. The OEB considers it necessary to grant the OEB staff request in order to ensure the record is assessable for the formulation of submissions that are of assistance to the OEB. The OEB has set a prompt schedule for the filing of OEB staff interrogatories.

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

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff shall request any information and material from the applicants that is in addition to the evidence and information already filed and that is relevant to the hearing by written interrogatories filed with the OEB and served on all parties by **February 5, 2018**.
2. The applicants shall file with the OEB complete written responses to the interrogatories and serve them on all parties by **February 23, 2018**.
3. Submissions from the applicants are to be filed no earlier than 5 business days subsequent to the filing of the written responses to OEB staff interrogatories.
4. Submissions from SEC and OEB staff are to be filed by one week subsequent to the filing of the applicants' submissions.

5. The applicants' reply submissions are to be filed by one week subsequent to the filing of submissions by SEC and OEB staff.

All filings to the OEB must quote the file number, **EB-2017-0269** and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at <https://www.pes.oeb.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Judith Fernandes at judith.fernandes@oeb.ca and OEB Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.ca.

ADDRESS

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DATED at Toronto, **February 2, 2018**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary