

File 6



**CANADIAN  
NIAGARA POWER INC.**

**RECEIVED**

DEC - 3 2007

ONTARIO ENERGY BOARD

*JP*  
*3/12/07*

**AFFIDAVIT**

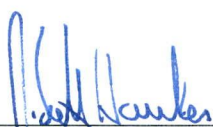
**CANADIAN NIAGARA POWER INC. – FORT ERIE  
2008 INCENTIVE REGULATION MECHANISM (2008 IRM) RATE APPLICATION  
BOARD FILE NO. EB-2007-0839**

I, **DOUGLAS R. BRADBURY**, Director, Regulatory Affairs of Canadian Niagara Power Inc. make oath and say as follows:

1. I have knowledge of the matters herein deposed to in the Letter of Direction marked as Exhibit "A", dated November 12, 2007. ✓
2. Exhibit "B" - Notice from *The Fort Erie Times*, published November 17, 2007, which is the English-language newspaper having the highest paid circulation in the service area. This information was obtained from the Notice of Application (Exhibit "C"). ✓
3. Canadian Niagara Power Inc. – Fort Erie is not a Host Distributor, therefore, it does not have Embedded Distributor(s) upon which to serve a copy of the Notice. ✓
4. The Notice of Application and Written Hearing for an Electricity Distribution Rate Change by Canadian Niagara Power Inc. – Fort Erie and the public documents related to that application, were made available for convenient public perusal at the address stated in the Notice. ✓
5. There are no intervenors relating to this application.

Sworn Before me at )  
The Town of Fort Erie )  
this 29<sup>th</sup> day of November 2007 )

  
\_\_\_\_\_  
Douglas R. Bradbury  
Director, Regulatory Affairs

  
\_\_\_\_\_  
R. Scott Hawkes  
Vice President, Corporate Services and  
General Counsel (Notary Public)

*Letter of Direction  
re Service & Publication  
complied with  
J. Sabayre  
Dec 6/07*

## EXHIBIT A

**Ontario Energy Board**  
P.O. Box 2319  
27th. Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Telephone: 416- 481-1967  
Facsimile: 416- 440-7656  
Toll free: 1-888-632-6273

**Commission de l'énergie de l'Ontario**  
C.P. 2319  
27e étage  
2300, rue Yonge  
Toronto ON M4P 1E4  
Téléphone: 416-481-1967  
Télécopieur: 416-440-7656  
Numéro sans frais: 1-888-632-6273



**BY EMAIL ONLY**

November 12, 2007

Douglas Bradbury  
Canadian Niagara Power Inc.- Fort Erie  
1130 Bertie Street, P.O. Box 1218  
Fort Erie ON L2A 5Y2

### LETTER OF DIRECTION

Dear Mr. Bradbury:

**Re: Canadian Niagara Power Inc.- Fort Erie  
2008 Incentive Regulation Mechanism (2008 IRM) Rate Application  
Board File Number EB-2007-0839**

The Ontario Energy Board has issued its Notice of Application and Hearing relating to your 2008 IRM application. Please note that you must publish the notice within fourteen days of the date of this letter. If publication is impossible within fourteen days, you must inform the Board staff contact given at the bottom of this letter immediately.

You are directed:

- 1) To arrange immediately for the enclosed Notice, headed with the Ontario government logo and the words "Ontario Energy Board", to be published in one issue of the English language newspaper having the highest paid circulation, according to the best information available, in Canadian Niagara Power Inc.- Fort Erie's service area. Publication must be complete within fourteen days of the receipt of this letter.

Please note that invoices regarding publication are not to be sent to the Board.

- 2) If Canadian Niagara Power Inc.- Fort Erie is a host distributor, to immediately, and no later than the date of publication of the Notice, serve a copy of the Notice directly on its embedded distributor(s).

- 3) To file with the Board an affidavit proving publication and, where applicable, service of the Notice immediately thereafter.
- 4) To make a copy of the application and evidence, and any amendments thereto, available for public review at Canadian Niagara Power Inc.- Fort Erie's office and on its website, if available; and,
- 5) To provide a copy of the application and evidence, and any amendments thereto, to any intervenor who requests a copy.

**Board staff contact**

Please direct any questions relating to this application to Alison Cazalet at (416) 440-7684, or by e-mail at [Alison.Cazalet@oeb.gov.on.ca](mailto:Alison.Cazalet@oeb.gov.on.ca).

Yours truly,

Kirsten Walli,  
Board Secretary

cc: Mr. R. Scott Hawkes (Counsel for CNPI-FE)

Ontario Energy Board

Commission de l'énergie de l'Ontario



**NOTICE OF APPLICATION AND WRITTEN HEARING  
FOR AN ELECTRICITY DISTRIBUTION RATE CHANGE**

CANADIAN NIAGARA POWER INC. – FORT ERIE

EB-2007-0839

The Ontario Energy Board has received an application on October 29, 2007, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that Canadian Niagara Power Inc. – Fort Erie charges for electricity distribution, to be effective May 1, 2008. The Board has assigned the application file number EB-2007-0839. The Board's decision on this application may have an effect on all of Canadian Niagara Power Inc. – Fort Erie's customers.

Any change to the rates that Canadian Niagara Power Inc. – Fort Erie charges for electricity distribution will be reflected in the delivery charges. Delivery charges are one of four regular items on residential and general service customers' electricity bills and vary depending on the amount of electricity consumed.

Canadian Niagara Power Inc. – Fort Erie indicates that if the application is approved as filed, a residential customer consuming 1,000 kWh per month would experience an approximate 3.8% decrease in the electricity bill. A small general service customer consuming 2,000 kWh per month and having a monthly demand of 50 kW or lower would see an approximate 1.2% increase in the electricity bill.

**HOW TO SEE CANADIAN NIAGARA POWER INC. – FORT ERIE'S APPLICATION**

Copies of the application are available for inspection at the Board's office in Toronto and on its website [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), and at Canadian Niagara Power Inc. – Fort Erie's office.

**HOW TO PARTICIPATE IN THE RATE PROCEEDING**

The Board intends to proceed with Canadian Niagara Power Inc. – Fort Erie's rate change application by way of written hearing unless a party satisfies the Board that there is good reason for holding an oral hearing. If you object to a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any objections to a written hearing must be received by the Board and copied to the applicant at the addresses below no later than December 3, 2007. The Board will not be awarding costs in this matter.

Anyone who wishes information and material from the applicant that is in addition to the evidence filed with the Board and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the applicant on or before December 17, 2007. The applicant shall file with the Board complete responses to the interrogatories and deliver them to all parties who asked interrogatories no later than January 7, 2008.

Anyone who wishes to make a submission on the application must file that written submission with the Board and deliver it to the applicant by January 21, 2008. If the applicant wishes to respond to the submission(s), the written response must be filed with the Board and delivered to all parties who made submissions by February 4, 2008.

**HOW TO FILE DOCUMENTS WITH THE BOARD**

If you already have a user ID, please submit your interrogatories or submission through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. For instructions on how to file and naming conventions, please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. Those who do not have internet access are asked to submit their interrogatories or submission on a CD or diskette in PDF format, along with two paper copies. You may also send your submission by post or e-mail to the addresses below.

In responding to this Notice, please include Board file number EB-2007-0839 in the subject line of your e-mail or at the top of your document. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

**NEED MORE INFORMATION?**

Further information on how to participate may be obtained by visiting the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or by calling our Consumer Relations Centre at 1-877-632-2727.

**IMPORTANT**

**IF YOU DO NOT FILE AN OBJECTION TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE PROCEEDING IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.**

**ADDRESSES****The Board:**

Post:  
Ontario Energy Board  
P. O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
Attention: Board Secretary  
Filings: [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca)  
E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)

Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

Dated at Toronto November 12, 2007

ONTARIO ENERGY BOARD

ORIGINAL SIGNED BY:

Kirsten Walli  
Board Secretary

**The Applicant:**

Canadian Niagara Power Inc. – Fort Erie  
1130 Bertie Street  
P. O. Box 1218  
Fort Erie, ON L2A 5Y2  
E-mail: [doug.bradbury@cnpower.com](mailto:doug.bradbury@cnpower.com)

**Counsel for Canadian Niagara Power Inc. Fort Erie:**

R. Scott Hawkes  
1130 Bertie Street – P. O. Box 1218  
Fort Erie, ON L2A 5Y2

E-mail: [scott.hawkes@fortisontario.com](mailto:scott.hawkes@fortisontario.com)

Ontario Energy  
BoardCommission de l' énergie  
de l'Ontario**EB-2007-0839**

**NOTICE OF APPLICATION AND WRITTEN HEARING  
FOR AN  
ELECTRICITY DISTRIBUTION RATE CHANGE**

**Canadian Niagara Power Inc.- Fort Erie**

The Ontario Energy Board has received an application on October 29, 2007 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B), seeking approval for changes to the rates that Canadian Niagara Power Inc.- Fort Erie charges for electricity distribution, to be effective May 1, 2008. The Board has assigned the application file number EB-2007-0839. The Board's decision on this application may have an effect on all of Canadian Niagara Power Inc.- Fort Erie's customers.

Any change to the rates that Canadian Niagara Power Inc.- Fort Erie charges for electricity distribution will be reflected in the delivery charges. Delivery charges are one of four regular items on residential and general service customers' electricity bills and vary depending on the amount of electricity consumed.

Canadian Niagara Power Inc.- Fort Erie indicates that if the application is approved as filed, a residential customer consuming 1,000 kWh per month would experience an approximate 3.8% decrease in the electricity bill. A small general service customer consuming 2,000 kWh per month and having a monthly demand of 50 kW or lower would see an approximate 1.2% increase in the electricity bill.

**How to see Canadian Niagara Power Inc.- Fort Erie's Application**

Copies of the application are available for inspection at the Board's office in Toronto and on its website, [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), and at Canadian Niagara Power Inc.- Fort Erie's office.

**How to Participate in the Rate Proceeding**

The Board intends to proceed with Canadian Niagara Power Inc.- Fort Erie's rate change application by way of written hearing unless a party satisfies the Board that there is good reason for holding an oral hearing. If you object to a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any objections to a written hearing must be received by the Board and copied to the applicant at the addresses below no later than December 3, 2007. The Board will not be awarding costs in this matter.

Anyone who wishes information and material from the applicant that is in addition to the evidence filed with the Board and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the applicant on or before December 17, 2007. The applicant shall file with the Board complete responses to the interrogatories and deliver them to all parties who asked interrogatories no later than January 7, 2007.

Anyone who wishes to make a submission on the application must file that written submission with the Board and deliver it to the applicant by January 21, 2008. If the applicant wishes to respond to the submission(s), the written response must be filed with the Board and delivered to all parties who made submissions by February 4, 2008.

**How to File Documents with the Board**

If you already have a user ID, please submit your interrogatories or submission through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. For instructions on how to file and naming conventions, please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. Those who do not have internet access are asked to submit their interrogatories or submission on a CD or diskette in PDF format, along with two paper copies. You may also send your submission by post or e-mail to the addresses below.

In responding to this Notice, please include Board file number EB-2007-0839 in the subject line of your e-mail or at the top of your document. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

**Need More Information?**

Further information on how to participate may be obtained by visiting the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or by calling our Consumer Relations Centre at 1-877-632-2727.

**IMPORTANT**

**IF YOU DO NOT FILE AN OBJECTION TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE PROCEEDING IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.**

**Addresses**

**The Board:**

Post:  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

Filings: [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca)  
E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)

Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**The Applicant:**

Canadian Niagara Power Inc.- Fort Erie  
1130 Bertie Street, P.O. Box 1218  
Fort Erie ON L2A 5Y2

E-mail: [doug.bradbury@cnpower.com](mailto:doug.bradbury@cnpower.com)

**Counsel for Canadian Niagara Power  
Inc.- Fort Erie:**

R. Scott Hawkes  
1130 Bertie St.  
P.O. Box 1218  
Fort Erie, ON L2A 5Y2

E-mail: [scott.hawkes@fortisontario.com](mailto:scott.hawkes@fortisontario.com)

DATED at Toronto, November 12, 2007

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary