



EB-2007-0691

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

AND IN THE MATTER OF a review of a notice of proposal
filed by Kruger Energy Inc. under section 81 of the *Ontario
Energy Board Act, 1998*.

PROCEDURAL ORDER NO. 6

On September 13, 2007, the Board issued a notice of review of Kruger Energy Inc.'s ("KEI") notice of proposal filed under section 81 of *Ontario Energy Board Act, 1998* relating to the construction and operation of a 100 MVA substation in the Municipality of Chatham-Kent. The proposed facility, which would be located near the Bloomfield Business Park, would be connected to the 230 kV transmission lines between the Chatham Transformer Station and the Lauzon Transformer Station. In accordance with section 82 of the Act, the Board has proceeded with the review of the proposal.

On March 27, 2008, the Board issued Procedural Order #2 wherein the Board scheduled a technical conference for April 14, 2008 and provided all parties the opportunity to file the questions that they would be asking at the technical conference by April 4, 2008.

On April 2, 2008, KEI filed a letter with the Board requesting that the technical conference be adjourned to early June. It was KEI's belief that it would not be in a position to address Board staff questions, filed on April 2, 2008, as fully as would be beneficial to the Board in its consideration of the section 81 notice of proposal. No party objected to the adjournment request.

On April 11, 2008, the Board issued Procedural Order #3 granting the adjournment request. On May 8, 2008, the Board issued Procedural Order #4. Parties were informed that the technical conference scheduled for April 14, 2008 was adjourned to June 12, 2008. The Board provided an opportunity for parties to file the questions that they would be asking at the technical conference by May 30, 2008.

On June 9, 2008, KEI filed a letter with the Board requesting that the technical conference be adjourned for a second time. KEI proposed that the technical conference take place sometime after August 2008. The Board granted the adjournment. Procedural Order #5, issued on June 11, 2008, ordered KEI to provide suggested dates by August 29, 2008 for a technical conference to take place on or before September 30, 2008.

On August 28, 2008, KEI filed a letter with the Board suggesting September 18 and 19, 2008 as proposed dates for a technical conference. Several intervenors indicated that they could not attend on these dates. It has been determined that most parties, including KEI, can attend on October 10, 2008; therefore, the technical conference will be rescheduled to that date. If the parties have questions that they will be asking at the technical conference that are additional to the questions they filed in May 2008, the Board will provide an opportunity for parties to file those questions.

The technical conference will provide all parties, including KEI, the opportunity to test all of the evidence filed to date. All parties are reminded that section 82(3) of the Act states that the "Board shall make an order approving a proposal described in section 81 if it determines that the impact of the proposal would not adversely affect the development and maintenance of a competitive market." Therefore, the sole issue in this proceeding is whether the impact of the proposal adversely affects the development and maintenance of a competitive market. All evidence, interrogatories, and submissions in this proceeding, and all questions at the technical conference, must be focused on answering that question.

Accordingly, the Board expects the participants of the technical conference to address the following issues:

- (a) the capacity of the 230 kV lines between the Chatham Transformer Station and the Lauzon Transformer Station, in particular, whether the proposed substation could:
 - (i) limit future access to the 230 kV lines by other persons; and
 - (ii) impose limits on the Independent Electricity System Operator ("IESO") operation of the lines which could restrict other persons; and
- (b) the future operation of the proposed substation, in particular:

- (i) what the process would be for selecting generation projects for connection to the proposed substation; and
- (ii) whether the IESO and Hydro One connection processes could be adversely affected.

The Board considers it necessary to make provision for the procedural matters set out below. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. A transcribed technical conference will be held at 2300 Yonge Street, 25th floor, Toronto, Ontario in the Board's North Hearing Room. The technical conference will commence on October 10, 2008 at 9:30 AM. Parties shall confirm their attendance by writing to the Board Secretary or by sending an email to Boardsec@oeb.gov.on.ca by September 19, 2008.
2. If intervenors and Board staff have questions additional to those filed earlier in this proceeding, they may file them with the Board and deliver them to Kruger Energy Inc. and all intervenors on or before September 30, 2008. The questions must be related to the impact of the proposal on the development and maintenance of a competitive market and the issues identified in this procedural order. Where possible, the questions should specifically reference evidence.

All filings to the Board must quote file number EB-2007-0691, and consist of an electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca, and four paper copies sent to the address below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with four paper copies. Those who do not have computer access are required to file seven 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. Parties must also include the Case Manager, Violet Binette (violet.binette@oeb.gov.on.ca), on all electronic correspondence related to this case.

ISSUED at Toronto, September 11, 2008

ONTARIO ENERGY BOARD

Original signed by

John Pickernell
Assistant Board Secretary

Address

The Ontario Energy 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
E-mail: Boardsec@oeb.gov.on.ca

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

APPENDIX A

KRUGER ENERGY INC.

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LIST OF PARTIES

Applicant	Rep. And Address for Delivery
Kruger Energy Inc.	Mr. Guy Paquette Director of Legal Affairs Kruger Inc. 3285 Chemin Bedford Montreal QC H3S 1G5 Tel: (514) 343-3247 Fax: (514) 343-3124 Email: gpaquette@kruger.com
AND	Mr. Andrew Smith Borden Ladner Gervais LLP Scotia Plaza 40 King Street West Toronto ON M5H 3Y4 Tel: (416) 367-6734 Fax: (416) 682-2836 Email: ansmith@blgcanada.com
Intervenors	Rep. And Address for Delivery
Allus Power Inc.	Mr. Bradley French Field Manager Onco Energy (representing Allus Power Inc.) 782 Richmond Street London ON N6A 3H5 Tel: 1-866-228-9695 Fax: (519) 689-4846 Email: bradley@oncopetroleum.ca

Intervenors	Rep. And Address for Delivery
Chatham-Kent Hydro Inc.	<p>Mr. Jim Hogan Chief Financial and Regulatory Officer Chatham-Kent Energy Inc. 320 Queen St. Chatham ON N7M 5K2</p> <p>Tel: (519) 352-6300 (277) Fax: (519) 352-9860 Email: jimhogan@ckenergy.com</p>
AND	<p>Mr. Dave Kenney President Chatham-Kent Hydro Inc. 320 Queen St. Chatham ON N7M 5K2</p> <p>Tel: (519) 352-6300 (261) Fax: (519) 352-9860 Email: davekenney@ckhydro.com</p>
Independent Electricity System Operator	<p>Mr. Carl Burrell Senior Regulatory Analyst Regulatory Affairs Independent Electricity System Operator 655 Bay Street Suite 410, PO Box 1 Toronto ON M5G 2K4</p> <p>Tel: (416) 506-2858 Fax: (416) 506-2847 Email: carl.burrell@ieso.ca</p>
AND	<p>Mr. John Rattray Senior Legal Counsel Independent Electricity System Operator 655 Bay Street Suite 410, PO Box 1 Toronto ON M5G 2K4</p> <p>Tel: (416) 506-2856 Fax: (416) 506-1466 Email: john.rattray@ieso.ca</p>

Ontario Power Authority

Ms. Miriam Heinz
Regulatory Coordinator, Legal and External
Affairs
Ontario Power Authority
120 Adelaide Street West
Suite 1600
Toronto ON M5H 1T1

Tel: (416) 967-7474
Fax: (416) 967-1947
Email: miriam.heinz@powerauthority.on.ca

Hydro One Networks Inc.

Mr. Glen MacDonald
Senior Advisor – Regulatory Affairs
Hydro One Networks Inc.
483 Bay Street
Toronto ON M5G 2P5

Tel: (416) 345-5913
Fax: (416) 345-5866
Email: regulatory@hydroone.com

Invenergy Canada

Mr. Mark Bell
Director, Canada
Invenergy Canada
12 King Street West
Bolton ON L7E 1C7

Tel: (905) 857-6936
Fax: (905) 857-8948
Email: mbell@invenergycanada.com