



EB-2008-0237

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 **Niagara-on-the-Lake Hydro Inc.** for an order approving just and reasonable rates and other charges for electricity distribution to be effective **May 1, 2009**

PROCEDURAL ORDER No. 2

Niagara-on-the-Lake Hydro Inc. ("NOTL" or "the Applicant") filed an application with the Ontario Energy Board, received on August 6, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that NOTL charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0237. The Board issued a Notice of Application and Hearing dated August 26, 2008 and Procedural Order No. 1 on October 1, 2008.

In Procedural Order No. 1, the Board indicated that it would adopt a phased approach to the discovery process for this proceeding, including a first phase consisting of written interrogatories followed by a technical conference, which was to be held prior the filing of written interrogatory responses.

The Board has since decided that it will make the technical conference optional at the Applicant's request. The purpose of the technical conference would be to allow the Applicant to better understand and discuss interrogatories received from the parties and Board staff to clarify the nature of the questions being asked and the responses being sought. The Board will accept a submission from the Applicant within one week of the deadline for receipt of the interrogatories as to whether it wishes a technical conference. Whether or not a technical conference is held at this stage of the proceeding, the Applicant will be required to file full written responses to the interrogatories.

At the completion of this first phase of the discovery process, the Board will determine

whether further discovery, in the form of a technical conference or additional interrogatories is required, and whether to order that a Settlement Conference be held. Subsequently, the Board will determine what additional aspects of the review may be dealt with through an oral hearing and will advise the Applicant and parties accordingly.

Please be aware that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. If requested by the Applicant, on or before Friday, October 24, 2008, 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 would be held on Wednesday, November 5, 2008 commencing at 9:00 a.m. and be expected to conclude by 4:30 p.m. The Board will inform the interested parties as to the status of the technical conference on or before Friday October 24, 2008.
2. If a technical conference is determined to be held on November 5, 2008, Parties shall confirm their attendance by writing to the Board Secretary or by sending an email to Boardsec@oeb.gov.on.ca and by copying the e-mail to Mr. Daria Babaie at daria.babaie@oeb.gov.on.ca by October 27, 2008.
3. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than November 17, 2008.
4. A list of intervenors is attached as Appendix A to this order.
5. All filings to the Board must quote file number EB-2008-0237, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. 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 the address below. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two

paper copies. Those who do not have computer access are required to file 7 paper copies.

6. 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.

DATED at Toronto, October 17, 2008
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Addresses

The Board:

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

Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca

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

The Applicant:

Niagara-on-the-Lake Hydro Inc.
#8 Henegan Road
P.O. Box 460
Virgil, Ontario
L0S 1T0

Attention: Jim Huntingdon

E-Mail: jhuntingdon@notlhydro.com

NIAGARA-ON-THE-LAKE HYDRO INC.

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LIST OF INTERVENORS

October 17, 2008

	Organization	Rep. And Address for Service
1.	Vulnerable Energy Consumers Coalition	Mr. Michael Buonaguro Public Interest Advocacy Centre 34 King Street East, Suite 1102 Toronto, Ontario M5C 2X8 Tel: 416 767-1666 Fax: 416 348-0641 Email: mbuonaguro@piac.ca
	AND	Mr. Bill Harper Econalysis Consulting Services 34 King Street East, Suite 1102 Toronto, Ontario M5C 2X8 Tel: (416) 348-0193 Fax: (416) 348-0641 Email: bharper@econalysis.ca
2.	Energy Probe	Mr. Randy Aiken Aiken & Associated 578 McNaughton Ave. West Chatham, Ontario N7L 4J6 Tel: (519) 351-8624 Fax: (519) 351-4331 Email: raiken@xcelco.on.ca

	AND	<p>Mr. David S. MacIntosh c/o Energy Probe 225 Brunswick Ave. Toronto, Ontario M5S 2M6</p> <p>Tel: (416) 964-9223 Ext. 235 Fax: (416) 964-8239 Email: DavidMacIntosh@nextcity.com</p>
3.	School Energy Coalition	<p>Ontario Education Services Corporation c/o Ontario Public School Boards Association 439 University Avenue, 18th Floor Toronto, ON M5G 1Y8</p> <p>Attn: Bob Williams, Co-ordinator Tel: (416) 340-2540 Fax: (416) 340-7571 Email: bwilliams@opsba.org</p>
	AND	<p>Shibley Righton LLP Barristers and Solicitors 250 University Avenue, Suite 700 Toronto, Ontario, M5H 3E5</p> <p>Attn: John De Vellis Tel: (416) 214-5232 Fax: (416) 214-5432 Email: john.devellis@shibleyrighton.com</p>
	AND	<p>Institutional Energy Analysis, Inc. 250 University Avenue, Suite 700 Toronto, Ontario, M5H 3E5</p> <p>Attn: Rachel Chen, Principal Consultant Tel: (416) 214-5218 Fax: (416) 214-5418 Email: rachel.chen@ieai.ca</p>

4.	AMPCO	<p>Mr. Adam White President, AMPCO 372 Bay Street, Suite 1702 Toronto, ON M5H 2W9</p> <p>Tel.: 416-260-0225 Fax: 416-260-0442 E-mail: awhite@ampco.org</p>
	AND	<p>Ms. Christine Dade 1449 Connery Crescent Oshawa, ON L1J 8E8</p> <p>Tel.: 905-723-9895 E-mail: dade9895@rogers.com</p>
	AND	<p>Ms. Shelley Grice c/o AMPCO 372 Bay Street, Suite 1702 Toronto, ON M5H 2W9</p> <p>Tel.: 416-260-0280 ext. 104 Fax: 416-260-0442 E-mail: sgrice@ampco.org</p>