



**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. 7**

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* (the "Act") 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.

A technical conference was held at the Board's offices on October 10, 2008. KEI, Chatham-Kent Hydro, the Independent Electricity System Operator, the Ontario Power Authority and Hydro One Networks attended the conference.

The Board has determined that the review of the proposal will continue by way of written hearing. 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 submissions must be focused on answering that question and any related issues that have arisen as a result of the testimony given at the Technical Conference.

Accordingly, the Board expects the parties 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.

On October 14, 2008, the Power Workers’ Union (“PWU”) applied for late intervenor status in this proceeding. PWU is not seeking any cost awards in relation to this matter. The Board confirms PWU as an intervenor in this proceeding and acknowledges that PWU has accepted the record to date as it stands. A revised list of parties is attached as Appendix A to this order.

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. Kruger Energy Inc. shall file its argument-in-chief with the Board and deliver it to all other parties to the proceeding on or before November 7, 2008.
  
2. Board staff and intervenors who wish to file submissions shall file them with the Board and serve them on all other parties to the proceeding on or before November 14, 2008.
  
3. If Kruger Energy Inc. chooses to file a reply argument, it shall file its reply argument with the Board and deliver it to all other parties to the proceeding on or before November 21, 2008.

All filings to the Board must quote file number EB-2007-0691 and be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://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](http://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. 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.

ISSUED at Toronto, October 24, 2008

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary

**Address**

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**APPENDIX A**

**KRUGER ENERGY INC.**

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**LIST OF PARTIES**

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