



**CANADIAN  
NIAGARA POWER INC.**

September 23, 2008

*25/9/08*  
Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street - 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

*EB-2008-0222 / 0223 / 0224*

**OEB BOARD SECRETARY**

File No:

Sub. No: *6*

**RECEIVED**

Panel

Licensing *Lee H.*

SEP 25 2008

Other

**ONTARIO ENERGY BOARD**

RE: **CANADIAN NIAGARA POWER INC. 2009 RATE APPLICATIONS** *17HC*

**EASTERN ONTARIO POWER – EB-2008-0222**  
**FORT ERIE – EB-2008-0223**  
**PORT COLBORNE – EB-2008-0224**

Dear Ms. Walli:

As per the Letters of Direction of the Ontario Energy Board ("OEB"), dated September 5, 2008, we are to file a copy of the following affidavit evidence, relating to the subject Rate Applications for Canadian Niagara Power Inc.

Enclosed are the following documents:

Exhibit "A" – Signed and sealed affidavits with respect to the 2009 Rate Applications for Canadian Niagara Power Inc. as follows:

Eastern Ontario Power – EB-2008-0222  
Fort Erie – EB-2008-0223  
Port Colborne – EB-2008-0224

Exhibit "B" – Publications from the corresponding newspapers, as per the Letters of Direction.

Exhibit "C" – Notices of Application for the above-mentioned service territories.

If you require further information, please contact me.

Yours truly,

Douglas R. Bradbury  
Director, Regulatory Affairs

Enclosures

File No:	SubFile:
Panel	
Licensing	
Other	



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NIAGARA POWER INC.**

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SEP 25 2008

**ONTARIO ENERGY BOARD**

*25/9/08*

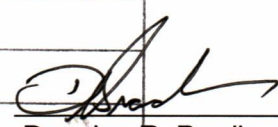
**AFFIDAVIT**

**CANADIAN NIAGARA POWER INC. – FORT ERIE  
2009 DISTRIBUTION RATE APPLICATION  
BOARD FILE NO. EB-2008-0223**

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 September 5, 2008.
2. Exhibit "B" - Notice from *The Fort Erie Times*, published September 13, 2008, 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. A copy of the application and evidence, and any amendments thereto, were made available for public review at Canadian Niagara Power Inc. – Fort Erie's office and on its website.
4. A copy of the application and evidence, and any amendments thereto are available to anyone requesting the material.

**EB-2008-0223**

OEB BOARD SECRETARY	
File No:	SubFile: <b>6</b>
Panel	
) Licensing	<b>Lee H.</b> 
) Other	<b>Douglas R. Bradbury</b> Director, Regulatory Affairs
00/04 <b>8</b>	<b>1#C.</b>

Sworn Before me at  
The Town of Fort Erie  
this 22<sup>nd</sup> day of September 2008



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

**Last Day of Publication: Sept. 13, 08**  
**Last Day for Interventions: Sept. 29, 08**



**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 E-MAIL ONLY**

September 5, 2008

Mr. Douglas Bradbury  
Director, Regulatory Affairs  
Canadian Niagara Power Inc.  
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  
2009 Distribution Rate Application  
Board File No. EB-2008-0223**

The Ontario Energy Board has now issued its Notice of Application relating to your rate 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 provided at the bottom of this letter immediately.

You are directed:

1. To arrange immediately for the enclosed English version of the 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;

**(Note:** Please make it clear that invoices regarding publication are not to be sent to the Board.)

2. To file with the Board an affidavit proving publication and, where applicable, service of the Notice immediately thereafter;

3. 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,
4. To provide a copy of the application and evidence, and any amendments thereto, to anyone requesting the material.

You are further directed not to include any document(s) or material(s) when serving this Notice other than document(s) or material(s) expressly required by this Letter of Direction to be served.

Yours truly,

*Original Signed By*

Kirsten Walli  
Board Secretary

Enclosures

- c. R. Scott Hawkes, Canadian Niagara Power Inc.  
Charles Keizer, Ogilvy Renault, LLP





EB-2008-0223

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

**EXHIBIT B****CANADIAN NIAGARA POWER INC. – FORT ERIE**

Canadian Niagara Power Inc. – Fort Erie has filed an application with the *Ontario Energy Board* (the "Board") received on August 18, 2008 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, 2009. The Board has assigned the application File No. EB-2008-0223. 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 Canadian Niagara Power Inc. – Fort Erie's distribution rates will cause Canadian Niagara Power Inc. – Fort Erie's delivery charges to change. Delivery charges are one of four regular items on residential and general service customers' electric bills and vary depending on the amount of electricity consumed.

In its application, Canadian Niagara Power Inc. – Fort Erie is seeking approval of \$9,827,418 as the 2009 revenue requirement it requires to provide electricity distribution services. On an equivalent basis, this compares with a Board-approved level of \$8,386,930 for 2006, the last year the rates were reviewed on a cost of service basis. During the interim period, the Board has approved adjustments to distribution rates.

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 14.7% increase in their current delivery charges. This is a \$5.82 per month increase on their bill. A general service customer consuming 2,000 kWh per month and having a monthly demand of less than 50 kW would experience an approximate 5.9% increase in their current delivery charges. This is a \$5.04 per month increase on their bill.

The proposed rates include a proposed harmonization of rates for the Canadian Niagara Power Inc. – Fort Erie and the Canadian Niagara Power Inc. – Eastern Ontario Power service areas.

**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 and may be on its website.

**How to Participate**

You may participate in this proceeding in one of three ways:

**1. Send a Letter with your Comments to the Board**

Your letter with comments will be provided to the Board members deciding the application, and will be part of the public record for the application. Your letter must be received by the Board no later than **30 days** from the publication or service date of this notice. The Board accepts letters of comment by either post or e-mail at the addresses below.

**2. Become an Observer**

Observers do not actively participate in the proceeding but monitor the progress of the proceeding by receiving documents issued by the Board. You may request observer status in order to receive documents issued by the Board in this proceeding. If you become an observer, you need to contact the applicant and others in order to receive documents that they file in this proceeding and they may charge you for this. Most documents filed in this application will also be available on the Board's website. Your request for observer status must be made in writing and be received by the Board no later than **10 days** from the publication or service date of this notice. The Board accepts observer request letters by either post or e-mail at the addresses below; however two paper copies are also required. You must also provide a copy of your letter to the applicant.

**3. Become an Intervenor**

You may ask to become an intervenor if you wish to actively participate in the proceeding. Intervenors are eligible to receive evidence and other material submitted by participants in the hearing. Likewise, intervenors will be expected to send copies of any material they file to all parties to the hearing.

Your request for intervenor status must be made by letter of intervention and be received by the Board no later than **10 days** from the publication or service date of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the outcome of this proceeding; and if you represent a group, a description of the group and its membership. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from the applicant and the grounds for your eligibility for costs. You must provide a copy of your letter of intervention to the applicant.

The Board intends to proceed with this application and other applications for a 2009 electricity distribution rate cost of service review by including an oral component. That component may be in the form of a technical conference or an oral hearing. The extent of the oral component of the proceeding will be determined on a case by case basis. This approach will enable the Board to address certain matters more effectively than would be possible in a proceeding conducted entirely on a written basis. If you object to the Board proceeding in this fashion, your letter of intervention must state the nature of the process you believe to be necessary and the reasons for undertaking such a process.

If you already have a user ID, please submit your intervention request 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. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines found at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca) and [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. The Board also accepts interventions by e-mail, at the address below, and again, two additional paper copies are required. Those who do not have internet access are required to submit their intervention request on a CD or diskette in PDF format, along with two paper copies.

**How to Contact Us**

In responding to this Notice, please reference Board file number EB-2008-0223 in the subject line of your e-mail or at the top of your letter. 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 THE PROCESS AS OUTLINED OR DO NOT REQUEST TO PARTICIPATE IN THIS PROCEEDING IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY 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  
Attention: Mr. Douglas Bradbury, Director – Regulatory Affairs

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

Tel: 905-994-3634  
Fax: 905-994-2207

**Counsel for the Applicant:**

Mr. R Scott Hawkes  
Vice President, Corporate Services and General Counsel  
Canadian Niagara Power Inc.  
1130 Bertie Street  
P.O. Box 1218  
Fort Erie, ON L2A 5Y2

E-Mail: [scott.hawkes@cnpower.com](mailto:scott.hawkes@cnpower.com)

Tel: 905-994-3642  
Fax: 905-994-2211

– and –

Mr. Charles Keizer  
Ogilvy Renault, LLP  
Suite 3800  
Royal Bank Plaza, South Tower  
P.O. Box 84  
Toronto, ON  
M5J 2Z4

E-Mail: [ckeizer@ogilvyrenault.com](mailto:ckeizer@ogilvyrenault.com)

Tel: 416-216-2342  
Fax: 416-216-3930

DATED at Toronto, September 5, 2008

**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary



Ontario Energy  
Board

Commission de l'énergie  
de l'Ontario



EB-2008-0222

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

**Canadian Niagara Power Inc. – Eastern Ontario Power**

Canadian Niagara Power Inc. – Eastern Ontario Power has filed an application with the Ontario Energy Board, (the “Board”) received on August 18, 2008 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. – Eastern Ontario Power charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File No. EB-2008-0222. The Board’s decision on this application may have an effect on all of Canadian Niagara Power Inc. – Eastern Ontario Power’s customers.

Any change to Canadian Niagara Power Inc. – Eastern Ontario Power’s distribution rates will cause Canadian Niagara Power Inc. – Eastern Ontario Power’s delivery charges to change. Delivery charges are one of four regular items on residential and general service customers’ electric bills and vary depending on the amount of electricity consumed.

In its application, Canadian Niagara Power Inc. – Eastern Ontario Power is seeking approval of \$2,359,739 as the 2009 revenue requirement it requires to provide electricity distribution services. On an equivalent basis, this compares with a Board-approved level of \$1,909,143 for 2006, the last year the rates were reviewed on a cost of service basis. During the interim period, the Board has approved adjustments to distribution rates.

Canadian Niagara Power Inc. – Eastern Ontario Power indicates that if the application is approved as filed, a residential customer consuming 1,000 kWh per month would experience an approximate 30.5% increase in their current delivery charges. This is a \$9.94 per month increase on their bill. A general service customer consuming 2,000 kWh per month and having a monthly demand of less than 50 kW would experience an

approximate 8.3% increase in their current delivery charges. This is a \$6.68 per month increase on their bill.

The proposed rates include a proposed harmonization of rates for the Canadian Niagara Power Inc. – Eastern Ontario Power and the Canadian Niagara Power Inc. – Fort Erie service areas. The application also seeks approval to eliminate the current General Service 50 to 4,999 kW – Time of Use class, in accordance with a previous Board decision (EB-2007-0594), and to re-classify any customers in that class to the General Service 50 to 4,999 kW class.

### **How to see Canadian Niagara Power Inc. – Eastern Ontario Power’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. – Eastern Ontario Power’s office and may be on its website.

### **How to Participate**

You may participate in this proceeding in one of three ways:

#### **1. Send a Letter with your Comments to the Board**

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interventions by e-mail, at the address below, and again, two additional paper copies are required. Those who do not have internet access are required to submit their intervention request on a CD or diskette in PDF format, along with two paper copies.

### **How to Contact Us**

In responding to this Notice, please reference Board file number EB-2008-0222 in the subject line of your e-mail or at the top of your letter. 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?**

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**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

**The Applicant:**

Canadian Niagara Power Inc. –  
Eastern Ontario Power  
1130 Bertie Street  
P.O. Box 1218  
Fort Erie, ON  
L2A 5Y2  
Attention: Mr. Douglas Bradbury  
Director – Regulatory Affairs

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

Tel: 905-994-3634  
Fax: 905-994-2207

**Counsel for the Applicant:**

Mr. R Scott Hawkes  
Vice President, Corporate Services and  
General Counsel  
Canadian Niagara Power Inc.  
1130 Bertie Street  
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Fort Erie, ON  
L2A 5Y2

E-Mail: [scott.hawkes@cnpower.com](mailto:scott.hawkes@cnpower.com)

Tel: 905-994-3642  
Fax: 905-994-2211

- and -



Mr. Charles Keizer  
Ogilvy Renault, LLP  
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Royal Bank Plaza, South Tower  
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M5J 2Z4

E-Mail: [ckeizer@ogilvyrenault.com](mailto:ckeizer@ogilvyrenault.com)

Tel: 416-216-2342  
Fax: 416-216-3930

**DATED** at Toronto, September 5, 2008

**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary