



**EB-2008-0236**

**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 Midland  
Power Utility Corporation for an order approving just and  
reasonable rates and other charges for electricity  
distribution to be effective May 1, 2009.

### **PROCEDURAL ORDER No. 1**

Midland Power Utility Corporation ("Midland" or the Applicant) filed an application with the Ontario Energy Board (the "Board"), received on August 15, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that Midland charges for electricity distribution, to be effective May 1, 2009. The Board has assigned File Number EB-2008-0236 to this application.

The Board issued a Notice of Application and Hearing on September 17, 2008. The Vulnerable Energy Consumers Coalition ("VECC"), the School Energy Coalition ("SEC") and the Association of Major Power Consumers in Ontario ("AMPCO") applied for intervenor status and cost eligibility.

The Board received correspondence from Midland dated October 3, 2008 objecting to each intervention request and questioning whether the parties applying to intervene represented interests in the area served by Midland. The Board has considered Midland's objections and the response provided by VECC. The participation of intervenors is an important component of a rate proceeding. Each of these groups represents a significant consumer interest and the results of the proceeding will impact these consumers. The Board concludes that these parties should be granted intervenor status.

The Board has also determined that VECC, SEC and AMPCO are each eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board recognizes that the costs of an intervention can be relatively significant for a smaller distributor. While the Board encourages active participation in the review of an application, intervenors should be mindful of the potential impact of these costs upon ratepayers, which the Board will take into consideration when it determines its cost awards. The Board will also take into account the quality and relevance of the intervention. In addition, the Board will consider any duplication of effort by intervenors in this proceeding. As a guide, the Board has attached a table that summarizes the approved cost awards for those distributors that made cost of service applications for their 2008 rates.

A list of parties to this proceeding is attached as Appendix A to this order. A list of intervenor cost awards approved for certain 2008 cost of service applications is attached as Appendix B to this order.

As identified in the Notice of Application, the Board intends to proceed with its review of this application by including an oral component. The Notice indicated that the oral component may be in the form of a technical conference or an oral hearing.

The Board has decided to make provision at this time for written interrogatories and a transcribed technical conference. The purpose of the technical conference will be to allow parties to ask supplemental questions to better understand Midland's interrogatory responses and to provide parties the opportunity to scope issues for a potential settlement conference.

After the technical conference has taken place, the Board will determine whether provision should be made for additional interrogatories, an additional technical conference, or a settlement conference, after which the Board will determine whether to conduct an oral hearing.

This Procedural Order addresses the interrogatory and first technical conference processes. 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. Board staff shall request information and material from Midland that is in addition to Midland's pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Midland on or before **November 7, 2008**. Where possible, the questions should specifically reference the pre-filed evidence.
2. Intervenors who wish information and material from Midland that is in addition to Midland's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Midland on or before **November 14, 2008**. Where possible, the questions should specifically reference the pre-filed evidence.
3. Midland shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **December 12, 2008**.
4. A transcribed technical conference will be held at 2300 Yonge Street, 25<sup>th</sup> floor, Toronto, Ontario in the Board's West Hearing Room. The technical conference would be held on **January 26, 2009** commencing at 9:30 a.m. and be expected to conclude by 5:00 p.m.
5. Parties shall confirm their attendance at the technical conference by writing to the Board Secretary by **January 7, 2009**.

All filings to the Board must quote file number, EB-2008-0236, 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.

DATED at Toronto, October 29, 2008

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**Address**

Ontario Energy Board  
P.O. Box 2319  
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Attention: Board Secretary  
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Tel: 1-888-632-6273 (toll free)  
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**Appendix A**  
**MIDLAND POWER UTILITY CORPORATION**  
**2009 ELECTRICITY DISTRIBUTION APPLICATION**

**EB-2008-0236**  
**LIST OF PARTIES**

| <b>Applicant</b>                         | <b>Rep. And Address for Service</b>                                                                                                                                                                                          |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Midland Power Utility Corporation</b> | Ms. Phil Marley<br>President & CEO<br>Midland Power Utility Corporation<br>16984 Highway #12<br>P.O. Box 820<br>Midland, ON<br>L4R 4P4<br><br>Tel: (705) 526-9362<br>Fax: (705) 526-7890<br>E-Mail: pmarley@midlandpuc.on.ca |

| <b>Intervenor</b>                                      | <b>Rep. And Address for Service</b>                                                                                                                                                               |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Association of Major Power Consumers in Ontario</b> | Shelley Grice<br>AMPCO<br>372 Bay Street, Suite 1702<br>Toronto ON M5H 2W9<br><br>Tel: 416-260-0280 ext.104<br>Fax: 416-260-0442<br>Email: <a href="mailto:sgrice@ampco.org">sgrice@ampco.org</a> |
| <b>AND</b>                                             | Christine Dade<br>Dade and Associates<br>1449 Connery Crescent<br>Oshawa ON L1J 8E8<br><br>Tel: 905-723-9895<br>Email: <a href="mailto:dade9895@rogers.com">dade9895@rogers.com</a>               |

**School Energy Coalition**

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**Vulnerable Energy Consumers  
Coalition**

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## **Appendix B**

**Midland Power Utility Corporation  
Procedural Order 1  
EB-2008-0236**

**2008 COS EDR COMPARISON OF COST AWARDS TO REVENUE REQUIREMENT by LDC and INTERVENOR COST PER CUSTOMER**

**DECISION & ORDER ON COST ISSUED**

| <u>Distributor</u>                               | <u>Number<br/>of<br/>Intervenors</u> | <u>EB Number</u> | <u>Proposed<br/>Revenue<br/>Requirement</u> | <u>Approved<br/>Cost<br/>Award</u> | <u>%<br/>Revenue</u> | <u>Number<br/>of<br/>Customers</u> | <u>Cost<br/>per<br/>Customer</u> |
|--------------------------------------------------|--------------------------------------|------------------|---------------------------------------------|------------------------------------|----------------------|------------------------------------|----------------------------------|
| Hydro 2000 Inc.                                  | 1                                    | EB-2007-0704     | \$333,872                                   | \$5,196.75                         | 1.56%                | 1,159                              | \$4.48                           |
| Chapleau Public Utilities Corporation            | 1                                    | EB-2007-0755     | \$736,568                                   | \$6,756.25                         | 0.92%                | 1,338                              | \$5.05                           |
| Espanola Regional Hydro Distribution Corporation | 2                                    | EB-2007-0901     | \$1,304,404                                 | \$9,735.32                         | 0.75%                | 3,316                              | \$2.94                           |
| Rideau St. Lawrence Distribution Inc.            | 2                                    | EB-2007-0762     | \$2,267,241                                 | \$12,388.05                        | 0.55%                | 5,864                              | \$2.11                           |
| Lakefront Utilities Inc.                         | 2                                    | EB-2007-0761     | \$5,077,851                                 | \$17,257.19                        | 0.34%                | 9,057                              | \$1.91                           |
| Halton Hills Hydro Inc.                          | 2                                    | EB-2007-0696     | \$10,446,283                                | \$21,206.04                        | 0.20%                | 20,214                             | \$1.05                           |
| Norfolk Power Distribution Inc.                  | 2                                    | EB-2007-0753     | \$12,800,352                                | \$12,699.65                        | 0.10%                | 18,641                             | \$0.68                           |
| PUC Distribution Inc.                            | 1                                    | EB-2007-0931     | \$17,191,211                                | \$5,338.36                         | 0.03%                | 32,512                             | \$0.16                           |
| Oshawa PUC Networks Inc.                         | 3                                    | EB-2007-0710     | \$20,440,000                                | \$22,204.50                        | 0.11%                | 50,978                             | \$0.44                           |
| AMPCO Motion                                     | 4                                    | EB-2008-0099     | \$20,440,000                                | \$45,032.40                        | 0.22%                | 50,979                             | \$0.88                           |
| Barrie Hydro Distribution Inc.                   | 2                                    | EB-2007-0746     | \$35,008,572                                | \$11,968.00                        | 0.03%                | 68,535                             | \$0.17                           |
| Enersource Hydro Mississauga Inc.                | 5                                    | EB-2007-0706     | \$124,300,000                               | \$111,258.31                       | 0.09%                | 183,706                            | \$0.61                           |
| Hydro Ottawa Ltd.                                | 4                                    | EB-2007-0713     | \$147,951,054                               | \$81,425.95                        | 0.06%                | 286,995                            | \$0.28                           |
| Toronto Hydro-Electric System                    | 5                                    | EB-2007-0680     | \$498,400,000                               | \$250,344.26                       | 0.05%                | 679,864                            | \$0.37                           |
|                                                  |                                      |                  |                                             |                                    | <b>0.36%</b>         | <b>average</b>                     | <b>\$1.51</b>                    |