



EB-2008-0277

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 Lakefront Utilities Inc. for an order approving or fixing just and reasonable rates and other charges for the distribution of electricity to be effective May 1, 2008.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Paul Vlahos

Paul Sommerville
Member

Member

DECISION AND PROCEDURAL ORDER No. 1

Lakefront Utilities Inc. ("Lakefront" or the "Applicant") filed a Notice of Motion (the "Motion") with the Ontario Energy Board to review and vary the Board's May 9, 2008 Decision (Board file No. EB-2007-0761) on August 6, 2008 to seek relief on the following four issues:

1. Increasing Lakefront's 2008 revenue requirement by \$83,333, to allow it to recover its expenses related to the re-sealing of its existing conventional meters to bring them into compliance with the Electricity and Gas Inspection Act (the "Inspection Act"), or alternatively to approve the use of a deferral account to allow for the recording of the expenses;

2. Approving the inclusion of an additional \$325,000 in capital spending in the 2008 test year on Lakefront's voltage conversion program and reflecting that expenditure in Lakefront's rates;
3. Increasing Lakefront's 2008 revenue requirement by \$55,271 to correct an erroneous revenue requirement offset related to interest on retained earnings; and
4. Changing the effective date of the Order from July 17, 2008 to May 1, 2008.

The Board will hear the Motion with respect to the first three issues listed above.

With respect to Issue 4, the Board has determined that the request for review does not meet the threshold for review, and, accordingly, pursuant to Rule 45 of the Board's Rules of Practice and Procedure, will not hear this issue.

The Board issued an Order on April 22, 2008 declaring that Lakefront's then current rates be made interim effective May 1, 2008. In that Order the Board stated: "In declaring Lakefront's rates interim, the Board emphasizes that this should not be construed as predictive, in any way whatsoever, of the final determination of the effective date for the Board's final order."

There was ample opportunity in the course of the case for Lakefront to submit evidence and make submissions regarding the date that should be selected as the effective date for the rates flowing from the EB-2007-0761 proceeding. Lakefront did not address the question at any time following the issuance of the interim order. The Board has previously made it clear that the rates application process is the venue to hear evidence and arguments on effective dates. The Board therefore will not hear Issue 4.

The Board will determine at a later date if an oral hearing will be held.

IT IS THEREFORE ORDERED THAT:

1. Intervenors and Board staff who wish information and material from the Applicant that is in addition to the Applicant's Motion and evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and

delivered to the Applicant on or before Friday November 7, 2008. Where possible, the questions should specifically reference the Motion and evidence.

2. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than Friday November 21, 2008.

DATED at Toronto, October 31, 2008.

ONTARIO ENERGY BOARD

Original Signed By

Gordon Kaiser
Presiding Member and Vice-Chair

Original Signed By

Paul Vlahos
Member

Original Signed By

Paul Sommerville
Member