



EB-2008-0310

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application pursuant to
subsection 86(2) of the *Ontario Energy Board Act, 1998* by
the Town of Essex for leave to acquire shares of E.L.K.
Energy Inc.

PROCEDURAL ORDER No. 1

The Town of Essex (“Essex”) filed an application with the Ontario Energy Board (the “Board”), received on September 18, 2008 under subsection 86(2) of the *Ontario Energy Board Act, 1998*. The Board has assigned File Number EB-2008-0310 to this application.

The Board issued a Notice of Application and Hearing on October 10, 2008. The School Energy Coalition (“SEC”) and Essex Power Lines Corporation (“Essex Power”) applied for intervenor status. SEC also applied for cost eligibility. Enwin Utilities applied for observer status.

The Board has determined that SEC and Essex Power are granted intervenor status and Enwin Utilities is granted observer status. The Board has also determined that SEC is eligible to apply for an award of costs under the Board’s *Practice Direction on Cost Awards*.

As identified in the Notice of Application, the Board has decided to consider whether subsection 86(2) of the Act applies to the proposed transaction as a threshold issue. SEC has made a submission on this threshold issue. Prior to proceeding with the application, the Board would like to receive submissions from other parties on this threshold issue.

The Board has decided to proceed by way of written hearing and considers it necessary to make provision for the following procedural matters. Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Intervenors and Board Staff who wish to make a submission on the threshold issue must file that submission with the Board, and deliver it to the applicant and other intervenors by **November 14, 2008**.
2. If the applicant wishes to file a response to a submission, the response must be filed with the Board and delivered to intervenors by **November 21, 2008**.

All filings to the Board must quote the file number, EB-2008-0310, 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.

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, November 6, 2008.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Address

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

**TOWN OF ESSEX
APPLICATION TO ACQUIRE SHARE CONTROL**

**EB-2008-0310
LIST OF PARTIES**

Applicant	Rep. And Address for Service
Town of Essex	<p>Wayne Miller Chief Administrative Officer Town of Essex 33 Talbot Street Essex, ON, N8M 1A8</p> <p>Tel: 519-776-7336 Ext. 20 Fax: 519-776-8811 Email: wmiller@essex.ca</p>
AND	<p>Counsel for the Applicant:</p> <p>Richard King Ogilvy Renault LLP Suite 3800 Royal Bank Plaza, South Tower 200 Bay Street P.O. Box 84 Toronto, ON M5J 2Z4</p> <p>Tel: 416-216-2311 Fax: 416-216-3930 Email: rking@ogilvyrenault.com</p>
Intervenor	Rep. And Address for Service
School Energy Coalition	<p>Bob Williams Co-ordinator Ontario Education Services Corporation c/o Ontario Public School Boards Association 439 University Avenue, 18th Floor Toronto ON M5G 1Y8</p> <p>Tel: 416-340-2540 Fax: 416-340-7571 Email: bwilliams@opsba.org</p>

AND

Jay Shepherd
SHIBLEY RIGHTON LLP
Barristers and Solicitors
250 University Avenue, Suite 700
Toronto ON M5H 3E5

Tel: 416-214-5224
Fax: 416-214-5424
Email: jay.shepherd@shibleyrighton.com

Essex Power Lines Corporation

Richard Dimmel
General Manager
Essex Power Lines Corporation
360 Fairview Ave. West, Suite 218
Essex, ON N8M 3G4

Tel: 519-776-8900 Ext.487
Fax: 519-776-9888
Email: rdimmel@essexpowerlines.ca

Observer
Enwin Utilities

Rep. And Address for Service

Andrew Sasso
Director, Regulatory Affairs
P.O. Box 1625, Stn "A" Ouellette Avenue
Windsor, ON N9A 5T7

Tel: 519-255-2735
Fax: 519-973-7812
Email: regulatory@enwin.com