



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. 8

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.

On October 24, 2008, the Board issued Procedural Order No. 7 which established dates for the submission of argument-in-chief by November 7, 2008, Board staff and intervenor submissions by November 10, 2008, and KEI's reply submission by November 21, 2008.

On November 6, 2008, KEI requested that it be allowed to delay its argument-in-chief until November 10, 2008. KEI stated that it would agree that Board staff and intervenor submissions could similarly be delayed and therefore be received by November 17, 2008. KEI also advised that no change was necessary for the reply submission.

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 10, 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 17, 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, 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.

ISSUED at Toronto, November 6, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Address

The Ontario Energy 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

E-mail: Boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

APPENDIX A

KRUGER ENERGY INC.

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LIST OF PARTIES

Applicant	Rep. And Address for Delivery
Kruger Energy Inc.	Mr. Guy Paquette Director of Legal Affairs Kruger Inc. 3285 Chemin Bedford Montreal QC H3S 1G5 Tel: (514) 343-3247 Fax: (514) 343-3124 Email: gpaquette@kruger.com
AND	Ms. Christine E. Long Borden Ladner Gervais LLP Scotia Plaza 40 King Street West Toronto ON M5H 3Y4 Tel: (416) 367-6683 Fax: (416) 361-2770 Email: clong@blgcanada.com
Intervenors	Rep. And Address for Delivery
Allus Power Inc.	Mr. Bradley French Field Manager Onco Energy (representing Allus Power Inc.) 782 Richmond Street London ON N6A 3H5 Tel: 1-866-228-9695 Fax: (519) 689-4846 Email: bradley@oncopetroleum.ca

Intervenors	Rep. And Address for Delivery
Chatham-Kent Hydro Inc.	<p>Mr. Jim Hogan Chief Financial and Regulatory Officer Chatham-Kent Energy Inc. 320 Queen St. Chatham ON N7M 5K2</p> <p>Tel: (519) 352-6300 (277) Fax: (519) 352-9860 Email: jimhogan@ckenergy.com</p>
AND	<p>Mr. Dave Kenney President Chatham-Kent Hydro Inc. 320 Queen St. Chatham ON N7M 5K2</p> <p>Tel: (519) 352-6300 (261) Fax: (519) 352-9860 Email: davekenney@ckhydro.com</p>
Independent Electricity System Operator	<p>Mr. Carl Burrell Senior Regulatory Analyst Regulatory Affairs Independent Electricity System Operator 655 Bay Street Suite 410, PO Box 1 Toronto ON M5G 2K4</p> <p>Tel: (416) 506-2858 Fax: (416) 506-2847 Email: carl.burrell@ieso.ca</p>
AND	<p>Mr. John Rattray Senior Legal Counsel Independent Electricity System Operator 655 Bay Street Suite 410, PO Box 1 Toronto ON M5G 2K4</p> <p>Tel: (416) 506-2856 Fax: (416) 506-1466 Email: john.rattray@ieso.ca</p>

Ontario Power Authority

Ms. Miriam Heinz
Regulatory Coordinator, Legal and External
Affairs
Ontario Power Authority
120 Adelaide Street West
Suite 1600
Toronto ON M5H 1T1

Tel: (416) 967-7474
Fax: (416) 967-1947
Email: miriam.heinz@powerauthority.on.ca

Hydro One Networks Inc.

Mr. Glen MacDonald
Senior Advisor – Regulatory Affairs
Hydro One Networks Inc.
483 Bay Street
Toronto ON M5G 2P5

Tel: (416) 345-5913
Fax: (416) 345-5866
Email: regulatory@hydroone.com

Invenergy Canada

Mr. Mark Bell
Director, Canada
Invenergy Canada
12 King Street West
Bolton ON L7E 1C7

Tel: (905) 857-6936
Fax: (905) 857-8948
Email: mbell@invenergycanada.com

Power Workers' Union

Mr. John Sprackett
Staff Officer, President's Office
Power Workers' Union
244 Eglinton Avenue East
Toronto ON M4P 1K2

Tel: (416) 322-4787
Fax: (416) 481-7914
Email: sprackett@pwu.ca

AND

Ms. Judy Kwik
Senior Consultant
Elenchus Research Associates
34 King Street East, Suite 610
Toronto ON M5C 2X8

- 4 -

Tel: (416) 348-8777
Fax: (416) 348-9930
Email: jkwik@era-inc.ca

AND

Mr. Richard Stephenson
Counsel
Paliare Roland
250 University Avenue, Suite 510
Toronto ON M5H 3E5

Tel: (416) 646-4325
Fax: (416) 646-4335
Email: richard.stephenson@paliareroland.com