



**EB-2008-0227**

**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 ENWIN  
Utilities Ltd. for an order approving just and  
reasonable rates and other charges for electricity  
distribution to be effective May 1, 2009.

### **PROCEDURAL ORDER NO. 1**

ENWIN Utilities Ltd. ("ENWIN" or the "Applicant") filed an application with the Ontario Energy Board, received on September 18, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that ENWIN charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0227. The Board issued a Notice of Application and Hearing dated October 1, 2008.

The Board received requests for intervenor status and cost eligibility in this proceeding from four parties: the Vulnerable Energy Consumers Coalition ("VECC"), the Association of Major Power Consumers in Ontario ("AMPCO"), Consumers Council of Canada ("CCC"), and the School Energy Coalition ("SEC"). Late intervention request were received from Canadian Manufacturers and Exporters ("CME") and the Ford Motor Company of Canada ("Ford"). No objections were received from the Applicant.

The Board hereby approves the intervention and cost eligibility status for VECC, AMPCO, CCC, and SEC. The Board also approves the late intervention and cost eligibility status for CME and also approves the late intervention status of Ford.

A list of intervenors is attached as Appendix B to this order.

The Board recognizes that the costs of an intervention can be relatively significant for any 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 (Appendix A) that summarizes the approved cost awards for those distributors that made cost of service applications for their 2008 rates.

As part of its application, in accordance with Rule 10.01 of the Board's Rules of Practice and Procedure (the "Rules") and the Board's Practice Direction on Confidential Filings (the "Practice Direction"), ENWIN has filed certain information in confidence. In accordance with Rule 10.03 and section 5.1.5 of the Practice Direction, ENWIN will be required to serve a copy of the cover letter requesting confidentiality, together with a non-confidential (redacted) version of the document on all parties to this proceeding. This document will be placed on the public record. The confidential, un-redacted version of the document will, subject to section 5.1.6 of the Practice Direction, be kept confidential until the Board has made a determination on the confidentiality request. In accordance with this Procedural Order, all parties will have an opportunity to object to the request for confidentiality and ENWIN will have an opportunity to reply to any objections in accordance with the timelines set out below, after which, the Board will make its determination on the confidentiality request.

The Board notes that ENWIN has requested the disposition of Account 1562, Deferred Payments in Lieu of Taxes. The Board will not dispose of this account as part of this proceeding. The Board, by letter dated March 3, 2008, has announced that it will initiate a combined proceeding to determine the methodology that should be used for the calculation and disposition of account 1562.

The Board has decided to proceed by way of an oral hearing. Therefore, the Board considers it necessary to make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. The Applicant shall serve a copy of the cover letter requesting confidentiality, together with the non-confidential (redacted) version of the document for which the Applicant is requesting confidentiality on all parties to this proceeding immediately. The cover letter and this document will also be placed on the public record.
2. Any party may object to the request for confidentiality by filing an objection with the Board Secretary and serving such objection on the Applicant and all other parties to this proceeding no later than Friday, November 21, 2008. Parties should note the requirements outlined in section 5.1.7 of the Board's Practice Direction on Confidential Filings.
3. The Applicant may file a reply to any objection to the confidentiality request with the Board Secretary and serve it on all parties to the proceeding by Tuesday, November 25, 2008.
4. An Issues Conference, involving Board staff, Intervenors and the Applicant, will be convened to review the draft Issues List with the objective of developing a proposed Issues List for presentation to the Board. A draft Issues List will be distributed by Board staff to all intervenors no later than Tuesday, November 18, 2008. At the conclusion of the Issues Conference, a proposed Issues List will be formulated and presented to the Board. The Issues Conference will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, on Friday, November 21, 2008 at 9:30 a.m.
5. An Issues Day proceeding will take place on Friday, November 28, 2008 at 9:30 a.m. in the Board's hearing room, at which time the Board will hear submissions with respect to any contested issues. Parties will also have an opportunity to make submissions on how each of the issues should be heard (i.e. orally or in writing).

All filings to the Board must quote file number EB-2008-0227, 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.

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4

Attention: Board Secretary  
E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)  
Tel: 1-888-632-6273 (toll free)  
Fax: 416 440-7656

**DATED** at Toronto, November 14, 2008

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**APPENDIX A  
TO PROCEDURAL ORDER NO. 1  
ENWIN UTILITIES LTD.  
2009 COST OF SERVICE APPLICATION  
EB-2008-0227  
DATED: NOVEMBER 14, 2008**

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

<b>Distributor</b>	<b>Number of Intervenors</b>	<b>File Number</b>	<b>Proposed Revenue Requirement</b>	<b>Cost Award</b>	<b>% of Revenue</b>	<b>Number of Customers</b>	<b>Cost per Customer</b>
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
					0.36%	average	\$1.51

**APPENDIX B  
TO PROCEDURAL ORDER NO. 1  
ENWIN UTILITIES LTD.  
DISTRIBUTION RATE APPLICATION  
EB-2008-0227  
APPLICANTS & LIST OF INTERVENORS**

**November 14, 2008**

**Applicant**

**Rep. and Address for Service**

**ENWIN Utilities Ltd.**

Mr. Andrew J. Sasso, B.Comm, LL.B.  
Director, Regulatory Affairs  
ENWIN Utilities Ltd.  
787 Ouellette Ave.  
Windsor ON N9A 5T7

Tel: 519 255-2735  
Fax: 519 973-7812  
Email: [regulatory@enwin.com](mailto:regulatory@enwin.com)

**AND**

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

Tel: 416 216-2342  
Fax: 416 216-3930  
E-mail: [ckeizer@ogilvyrenault.com](mailto:ckeizer@ogilvyrenault.com)

**Intervenors**

**Rep. And Address for Service**

1. **Association of Major Power Consumers in Ontario (AMPCO)**

Mr. Adam White  
President, AMPCO  
372 Bay Street, Suite 1702  
Toronto ON M5G 2W9  
Tel: 416 260-0225  
Fax: 416 260-0442  
Email: [awhite@ampco.org](mailto:awhite@ampco.org)

**AND**

Ms. Shelley Grice  
Counsel for AMPCO  
c/o AMPCO  
372 Bay Street, Suite 1702  
Toronto ON M5H 2W9  
Tel: 416 260-0280 ext 140  
Fax: 416 260-0442  
Email: [sgrice@Ampco.org](mailto:sgrice@Ampco.org)

**AND**

Ms. Christine Dade  
Counsel for AMPCO  
Dade & Associates  
1449 Connery Crescent  
Oshawa ON L1J 8E8  
Tel: 905-723-9895  
Fax: 705 789-3110  
Email: [dade9895@rogers.com](mailto:dade9895@rogers.com)

2. **Consumers Council of Canada**  
(the "Council")

Mr. Robert Warren  
Consumers Council of Canada  
The Exchange Tower  
Suite 1600, P.O. Box 480  
130 King Street West  
Toronto ON M5X 1J5  
Tel: 416 947-5075  
Fax: 416 365-1876  
Email: [rwarren@weirfoulds.com](mailto:rwarren@weirfoulds.com)

**AND**

Ms. Julie Girvan  
2 Penrose Road  
Toronto ON M4S 1P1  
Tel: 416 322-7936  
Fax: 416 322-9703  
Email: [jgirvan@ca.inter.net](mailto:jgirvan@ca.inter.net)

3. **School Energy Coalition**  
(Schools)

Mr. John De Vellis  
Counsel  
Shibley Righton LLP  
Barristers and Solicitor  
250 University Avenue, Suite 700  
Toronto ON M5H 3E5  
Tel: 416 214-5232  
Fax: 416 214-5432  
Email: [john.devellis@shibleyrighton.com](mailto:john.devellis@shibleyrighton.com)

**AND**

Ms. Rachel Chen  
Principal Consultant  
School Energy Coalition's case  
manager/consultant  
Institutional Energy Analysis  
Tel: 416 214-5218  
Fax: 416 214-5418  
Email: [Rachel.chen@ieai.ca](mailto:Rachel.chen@ieai.ca)

**AND**

Mr. Bob Williams, Co-ordinator  
Ontario Public School Boards Association  
439 University Avenue, 18<sup>th</sup> Floor  
Toronto ON M5G 1Y8  
Tel: 416 340-2540  
Fax: 416 340-7571  
Email: [bwiliams@opsba.org](mailto:bwiliams@opsba.org)

4. **Vulnerable Energy Consumers  
Coalition (VECC)**

Mr. Michael Buonaguro  
Counsel  
c/o Public Interest Advocacy Centre  
34 King Street East, Suite 1102  
Toronto ON M5C 2X8  
Tel: 416 767-1666  
Fax: 416 348-0641  
Email: [mbuonaguro@piac.ca](mailto:mbuonaguro@piac.ca)

**AND**

Mr. Bill Harper  
Econalysis Consulting Services  
34 King Street East, Suite 1102  
Toronto ON M5C 2X8  
Tel: 416 348-0193  
Fax: 416 348-0641  
Email: [bharper@econalysis.ca](mailto:bharper@econalysis.ca)



**LATE INTERVENTIONS**

5. **Ford Motor Company**  
(Ford)  
  
(October 23, 2008)

Mr. Jeff White  
Manager, Electricity Programs  
330 Town Center  
Dearborn MI  
U.S.A. 48126

Tel: 313 322-6558  
Email: [jwhite11@ford.com](mailto:jwhite11@ford.com)

6. **Canadian Manufacturers &  
Exporters (CME)**  
  
(October 24, 2008)

Mr. Paul Clipsham  
Director of Policy  
Ontario Division  
Canadian Manufacturers & Exporters  
6725 Airport Road  
Suite 200  
Mississauga ON L4V 1V2  
Tel: 905 672-3466 ext. 3236  
Fax: 905 672-1764  
Email: [paul.clipsham@cme-mec.ca](mailto:paul.clipsham@cme-mec.ca)

**AND**

Counsel for CME  
Borden Ladner Gervais LLP  
Barristers & Solicitors  
100 Queen Street  
Suite 1100  
Ottawa ON K1P 1J9  
Fax: 613 230-8842

Mr. Vincent J. DeRose  
Tel: 613 787-3589  
Email: [vderose@blgcanada.com](mailto:vderose@blgcanada.com)

Mr. Peter C.P. Thompson Q.C.  
Tel: 613 787-3528  
Email: [pthompson@blgcanada.com](mailto:pthompson@blgcanada.com)