



**EB-2008-0237**

**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 **Niagara-on-the-Lake Hydro Inc.** for an order approving just and reasonable rates and other charges for electricity distribution to be effective **May 1, 2009**

### **PROCEDURAL ORDER No. 3**

Niagara-on-the-Lake Hydro Inc. ("NOTL" or "the Applicant") filed an application with the Ontario Energy Board, received on August 6, 2008 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that NOTL charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0237. The Board issued a Notice of Application and Hearing dated August 26, 2008.

In the first procedural orders, the Board made provision for a phased approach to the discovery process, with the first phase consisting of written interrogatories and the possibility of a technical conference at the option of the Applicant. The Applicant chose not to have a technical conference.

The Board granted an extension to NOTL's request for filing interrogatory responses to the Board interrogatory 8.1 – Continuity Schedule for Regulatory Assets and the Applicant is expected to file the complete response to this interrogatory by November 24, 2008. The Applicant has filed with the Board responses to the other interrogatories on November 17, 2008.

The Board indicated that at the completion of this first phase of the discovery process, the Board would determine whether further discovery, either in the form of a further technical conference or further interrogatories, would be required and whether to order that a settlement conference be held.

The Board is now seeking the views of the Applicant and all parties regarding the need for additional procedural steps in this proceeding.

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. The Applicant, Board staff and all parties may file with the Board and deliver to all other parties on or before November 28, 2008 any submissions on the following procedural issues:
  - (a) whether further discovery is required, either in the form of further interrogatories or a technical conference;
  - (b) whether a settlement conference would be appropriate; and
  - (c) whether a written or oral hearing is preferred.
  
2. All filings to the Board must quote file number EB-2008-0237, 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.
  
3. 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 20, 2008  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary