



EB-2008-0335

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 Power Stream Inc. and Barrie Hydro Distribution Inc. under section 86 of the *Ontario Energy Board Act, 1998* seeking an order for leave to amalgamate;

AND IN THE MATTER OF an application by Power Stream Inc. and Barrie Hydro Distribution Inc. under section 74 of the *Ontario Energy Board Act, 1998* seeking an order to amend Power Stream Inc.'s distribution licence;

AND IN THE MATTER OF a request by Barrie Hydro Distribution Inc. under section 77(5) of the *Ontario Energy Board Act, 1998* seeking the cancellation of its distribution licence.

PROCEDURAL ORDER NO. 1

Power Stream Inc. ("PowerStream") and Barrie Hydro Distribution Inc. ("Barrie Hydro"), both licensed electricity distributors, filed an application with the Ontario Energy Board, received on October 16, 2008, under section 86(1)(c) the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) (the "Act"), seeking leave to amalgamate PowerStream and Barrie Hydro. PowerStream and Barrie Hydro are collectively referred to as "Applicants" in this Procedural Order. The Board has assigned the application file number EB-2008-0335.

If the Board grants leave to the Applicants to amalgamate and the proposed transaction closes, Barrie Hydro has requested, under section 77(5) of the Act, that its electricity distribution licence be canceled. PowerStream has requested,

under section 74 of the Act, that its distribution licence be amended to include in its service area the area currently served by Barrie Hydro.

A Notice of Application and Hearing was issued on October 29, 2008 and published in the affected service areas as directed by the Board on November 1, 2008.

Hydro One Networks Inc. and the School Energy Coalition ("SEC") applied for intervenor status. SEC also applied for cost eligibility in this matter. No objections were received from the Applicants. The Board has considered the requests from these parties and confirms their intervenor status and SEC's eligibility for costs in this proceeding.

The Board is of the view that this application can be decided by way of an oral hearing. The Board reminds parties that the Board will review this application within the scope of the Board's "no harm" test. That is, the Board's mandate in this application is to consider whether the transaction that has been placed before it will have an adverse effect relative to the status quo in terms of the Board's statutory objectives.

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. Intervenors and Board staff who wish information and material from the Applicants that is in addition to the Applicants' pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicants on or before November 24, 2008. Where possible, the questions should specifically reference the pre-filed evidence.
2. The Applicants shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than November 28, 2008.

3. An oral hearing will be held at 2300 Yonge Street, 25th floor, Toronto, Ontario in the Board's North Hearing Room on December 15, 2008. The hearing will commence at 9:00 a.m. and is expected to conclude by 12:30 p.m.
4. A list of intervenors is attached as Appendix A to this Order.
5. All filings to the Board must quote file number EB-2008-0335, 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 email 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.
6. 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. Parties must also include the Case Manager, Gona Jaff (gona.jaff@oeb.gov.on.ca), on all electronic correspondence related to this case.

DATED at Toronto, November 19, 2008
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A**Power Stream Inc. and Barrie Hydro Distribution Inc.****EB-2008-0335****LIST OF INTERVENORS****November 19, 2008**

	Organization	Rep. and Address for Service
1.	Hydro One Networks Inc.	Hydro One Networks Regulatory Affairs 483 Bay Street, 8 th Floor, South Tower Toronto, ON M5G 2P5 Attn: Anne-Marie Reilly, Regulatory Coordinator – Regulatory Research and Administration Tel: (416) 345-6482 Fax: (416) 345-5866 Email: regulatory@HydroOne.com
2.	School Energy Coalition	Ontario Education Services Corporation c/o Ontario Public School Boards' Association 439 University Avenue, 18 th Floor Toronto, ON M5G 1Y8 Attn: Bob Williams, Co-ordinator Tel: (416) 340-2540 Fax: (416) 340-7571 Email: bwilliams@opsba.org
	AND	Shibley Righton LLP Barristers and Solicitors 250 University Avenue, Suite 700 Toronto, ON M5H 3E5 Attn: Jay Shepherd Tel: (416) 214-5224 Fax: (416) 214-5424 Email: jay.shepherd@shibleyrighton.com

	AND	Shibley Righton LLP Barristers and Solicitors 250 University Avenue, Suite 700 Toronto, ON M5H 3E5 Attn: Tanya Watson Tel: (416) 214-5261 Fax: (416) 214-5461 Email: Tanya.watson@shibleyrighton.com
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