



EB-2008-0381

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

AND IN THE MATTER OF a proceeding commenced by the Ontario Energy Board on its own motion to determine the accuracy of the final account balances with respect to account 1562 Deferred PILs (for the period October 1, 2001 to April 30, 2006) for certain 2008 and 2009 distribution rate applications before the Board.

PROCEDURAL ORDER NO. 1

On November 28, 2008, pursuant to sections 78, 19 (4) and 21 (5) of the *Ontario Energy Board Act, 1998*, the Ontario Energy Board commenced a proceeding on its own motion to determine the accuracy of the final account balances with respect to account 1562 Deferred PILs (for the period October 1, 2001 to April 30, 2006) for certain applicants that filed 2008 and 2009 distribution rate applications before the Board. The Board announced its intention to hold such a proceeding in a letter to all distributors issued on March 3, 2008 and assigned this proceeding file number EB-2007-0820, now updated to EB-2008-0381.

Board staff issued a discussion paper summarizing the principles established by the Board to date with respect to the determination of the account 1562 balances on August 20, 2008. The staff discussion paper also identified matters that Board staff believes are outstanding and may require clarification.

The Board considers it necessary to make provision for the following procedural matters. 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. ENWIN Utilities Ltd., Halton Hills Hydro Inc., and Barrie Hydro Distribution Inc shall file the following evidence regarding their Account 1562 balances on or before December 15, 2008. This evidence shall include, but is not limited to, the following information and documents for the tax years 2001 through 2007:
 - All tax returns (T2, CT23) including schedules, original and amended, filed for the years 2001 through 2006. Confidential information pertaining to employees' apprenticeship training, etc., need not be filed.
 - All notices of assessments, reassessments, and related statements of adjustments, from federal and Ontario tax authorities for 2001-2006.
 - The SIMPIL filings submitted to the Board's Regulatory Audit Department under RRR for the 2001 to 2005 tax years.
 - Continuity schedules that show what was recorded in the general ledger for Account 1562 separated for principal and interest carrying charges for the period October 1, 2001 through December 31, 2007.
2. Any parties that wish to make written submissions on the issues raised in the staff discussion paper or the filings of the three subject distributors, shall file these submissions on or before January 12, 2009. A current list of intervenors is attached as Appendix A to this order.
3. A transcribed technical conference for the purpose of reviewing the outstanding matters and to allow Applicants and other parties an opportunity to add to the evidentiary record will be convened on Tuesday, January 20, 2009, starting at 9:30 a.m. and will continue until Friday, January 23, 2009 as required. The Technical Conference will be held at 2300 Yonge Street, Toronto in the Board's North hearing room on the 25th Floor.

All filings to the Board must quote file number **EB-2008-0381**, 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.

Addresses

The 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

DATED at Toronto, November 28, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary