



**EB-2008-0233**

**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 Innisfil Hydro  
Distribution Systems Limited for an order approving just and  
reasonable rates and other charges for electricity distribution  
to be effective May 1, 2009.

#### **PROCEDURAL ORDER NO. 4**

Innisfil Hydro Distribution Systems Limited ("Innisfil" or the "Applicant") filed an application with the Ontario Energy Board, received on August 15, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that Innisfil charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0233. The Board issued a Notice of Application and Hearing dated September 2, 2008, Procedural Order No. 1 on October 6, 2008, and Procedural Order No. 2 on October 22, 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 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 issued Procedural Order No. 3 on November 26, 2008, seeking the views of the Applicant and all parties regarding the need for additional procedural steps in this

proceeding. The Board asked that the Applicant, Board staff and all parties file submissions with the Board on the following procedural issues before December 5, 2008:

1. Whether further discovery is required, either in the form of further interrogatories or a technical conference;
2. Whether a settlement conference would be appropriate; and
3. Whether a written or oral hearing is preferred.

All parties to this proceeding filed submissions with the Board regarding the need for additional procedural steps for Innisfil's 2009 rebasing application. Innisfil submitted that it has spent considerable time and effort and provided detailed responses to all interrogatory questions posed by the Board staff and Intervenors. Board staff noted that Innisfil has made changes to its application through the interrogatory process (e.g. request for an increase in the smart meter rate adder to \$1.00), but did not provide an overall update of its application to reflect these changes. Board staff submitted that this information is necessary to an accurate record of customer bill impacts and suggested that the Board could consider two options:

- (1) require the Applicant to prepare the necessary evidence; or
- (2) the Board could provide for a second round of interrogatories.

On December 8, Innisfil filed updates to its application to reflect the increase in the smart meter rate adder from \$0.28 to \$1.00.

The Vulnerable Energy Consumers Coalition (VECC) stated that it reviewed Innisfil's interrogatory responses and submitted that provision for a second round of interrogatories is warranted. VECC noted that in the first-round and provided details regarding certain interrogatories that were not answered fully or required follow-up. VECC also submitted that in its IR responses, Innisfil has identified a number of revisions to its application, but has not summarized the revisions and the expected impacts of these revisions in one place. Thus, VECC suggested that the Board make provision for a second round of interrogatories.

Both Energy Probe (EP) and School Energy Coalition (SEC) submitted that further discovery did not appear to be required. However, both parties indicated that they

might seek clarification on some responses provided by the Applicant should the Board make provision for a second round of interrogatories.

The Board reviewed and considered the submissions from all parties. The Board is of the view that a second round of written interrogatories is required to provide an opportunity for all parties to ask clarifying questions, which relate specifically to existing interrogatory responses, and/or new questions that relate only to the information filed by Innisfil on December 8, 2008.

The Board has also determined that no settlement conference is required and that this application can be decided by way of a written hearing process.

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 or Board staff who wish to ask clarification questions, which relate specifically to existing interrogatory responses and/or new questions that relate only to the information filed by Innisfil on December 8, 2008, shall file written interrogatories with the Board and deliver a copy to the Applicant on or before **December 16, 2008**. Where possible, questions should specifically reference both the pre-filed evidence and previous interrogatory responses.
2. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **December 18, 2008**.

All filings to the Board must quote file number EB-2008-0233, 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

Email: [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, December 15, 2008

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary