



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.

BEFORE: Gordon Kaiser
Vice-Chair and Presiding Member

Paul Vlahos
Member

Cathy Spoel
Member

ORDER

PowerStream Inc. ("PowerStream") and Barrie Hydro Distribution Inc. ("Barrie Hydro") (collectively, the "Applicants"), both licensed electricity distributors, filed an application with the Ontario Energy Board, received on October 16, 2008, under section 86(1)(c) of the *Ontario Energy Board Act* (the "Act"), seeking leave to amalgamate PowerStream and Barrie Hydro. The Board has assigned the application file number EB-2008-0335.

The Proceeding

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.

On November 14, 2008, the Applicants filed additional evidence with the Board.

The Board granted Hydro One Networks Inc, School Energy Coalition and Energy Probe Research Foundation intervenor status in this proceeding. In addition, the Board found School Energy Coalition and Energy Probe Research Foundation to be eligible for costs in this proceeding.

Procedural Order No. 1 was issued on November 19, 2008. It made provision for filing of interrogatories and responses to interrogatories. It also indicated that an oral hearing will be held on December 15, 2008. School Energy Coalition and Energy Probe Research Foundation filed interrogatories and the Applicants filed responses to the interrogatories in accordance with Procedural Order No. 1.

Findings

The Board made an oral decision on December 15, 2008 which granted leave to PowerStream and Barrie Hydro to amalgamate. The Board also accepted the Applicants' proposal for the timing of rate harmonization within three to five years from the closing date of the proposed transaction. The full decision with reasons is available in the transcript of the proceeding beginning at page 188.

THE BOARD ORDERS THAT:

1. PowerStream Inc. and Barrie Hydro Distribution Inc. are hereby granted leave to amalgamate pursuant to section 86 of the Act.
2. The Board's leave to amalgamate shall expire 18 months from the date of this Decision and Order. If the transaction has not been completed by that date, a new application for leave to amalgamate will be required in order for the transaction to proceed.
3. PowerStream Inc. or Barrie Hydro Distribution Inc. shall promptly notify the Board of the completion of the transaction.

COST CLAIMS

A decision regarding cost awards will be issued at a later date. Eligible parties shall submit their cost claims by **January 5, 2009**. A copy of the cost claim must be filed with the Board and one copy is to be served on PowerStream Inc. and Barrie Hydro Distribution Inc. The cost claims must be prepared in accordance with section 10 of the Board's Practice Direction on Cost Awards.

PowerStream Inc. and Barrie Hydro Distribution Inc. will have until **January 19, 2009** to object to any aspect of the costs claimed. A copy of the objection must be filed with the Board and one copy must be served on the party against whose claim the objection is being made.

Any party whose cost claim was objected to will have until **February 2, 2009** to make a reply submission as to why their cost claim should be allowed. A copy of the submission must be filed with the Board and one copy is to be served on PowerStream Inc. and Barrie Hydro Distribution Inc.

DATED at Toronto, December 15, 2008

ONTARIO ENERGY BOARD

Original signed by

Gordon Kaiser
Vice-Chair and Presiding Member
On behalf of the Panel