



EB-2008-0226

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 COLLUS
Power Corp. for an order approving just and reasonable
rates and other charges for electricity distribution to be
effective May 1, 2009.

PROCEDURAL ORDER NO. 4

COLLUS Power Corp. ("COLLUS" or the "Applicant") filed an application with the Ontario Energy Board, received on August 18, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that COLLUS charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application File Number EB-2008-0226. 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 December 3, 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 10, 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.

On December 9, 2008, Vulnerable Energy Consumers Coalition (VECC) filed a letter with the Board advising that it would not be able to meet the deadline of December 10 and thus requested that the Board grant an extension for the filing of its submissions.

The Board considered VECC's request and granted an extension for filing submissions from December 10, 2008 to December 12, 2008.

Only VECC, Energy Probe (EP), and Board staff filed submissions with the Board. School Energy Coalition (SEC) and the Association of Major Power Consumers in Ontario (AMPCO) did not file submissions on the next procedural steps.

COLLUS submitted that it provided detailed responses to all interrogatory questions posed by the Board staff and intervenors. In its submission, COLLUS acknowledged that it proposed a number of changes and adjustments through the interrogatory process that require some updates to its application, but noted that the overall impact due to these changes would not be material to its overall revenue requirement. COLLUS submitted that it did not see any need to update its application and that a revised, detailed analysis of customer impacts would be completed when the final rate order is submitted.

VECC stated that it reviewed COLLUS' interrogatory responses and submitted that provision for a second round of interrogatories is warranted. VECC provided details regarding certain interrogatories that were not answered fully or required follow-up.

VECC further noted that COLLUS indicated that it would need to update its application and undertook to do so when preparing the draft rate order. VECC stated that it would facilitate the balance of this proceeding if COLLUS were to summarize the revisions it is proposing to make and the resulting impact on the revenue requirement prior to final submissions. VECC suggested that this could be done in conjunction with COLLUS' responses to a second round of interrogatories.

EP submitted that further discovery did not appear to be required. However, EP indicated that it might seek clarification on some responses provided by the Applicant should the Board make provision for a second round of interrogatories.

Board staff raised a number of areas that require clarification from COLLUS and submitted that a second round of interrogatories in specific areas would be helpful in clarifying the case record.

The Board reviewed and considered the submissions from parties and Board staff. 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. The Board also orders COLLUS to summarize and file with the Board the revisions that it is proposing to make and the resulting impact on the revenue requirement, as a part of its responses to the second round of interrogatories.

At the completion of the second round of written interrogatories, the Board will determine the next steps and advise parties accordingly.

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 the existing interrogatory responses, shall file written interrogatories with the Board and deliver a copy to the Applicant on or before **December 22, 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 as well as summarized lists of revisions that it is proposing to make and the resulting impact on the revenue requirement, and deliver them to the intervenors no later than **January 9, 2009**.

All filings to the Board must quote file number EB-2008-0226, 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.

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Board Secretary

Email: Boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, December 18, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary