



**EB-2008-0222**  
**EB-2008-0223**  
**EB-2008-0224**

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

**AND IN THE MATTER OF** applications by Canadian  
Niagara Power Inc. – Eastern Ontario Power, Canadian  
Niagara Power Inc. – Fort Erie and Canadian Niagara Power  
Inc. – Port Colborne for an order approving just and  
reasonable rates and other charges for electricity distribution  
to be effective May 1, 2009.

### **PROCEDURAL ORDER No. 3**

Canadian Niagara Power Inc. – Eastern Ontario Power (CNPI – EOP), Canadian  
Niagara Power Inc. – Fort Erie (CNPI – FE) and Canadian Niagara Power Inc. – Port  
Colborne (CNPI – PC) (collectively CNPI or the Applicant) filed applications with the  
Ontario Energy Board, received on August 18, 2008, under section 78 of the *Ontario  
Energy Board Act, 1998*, (the Act), seeking approval for changes to the rates that CNPI  
– EOP, CNPI – FE and CNPI – PC charges for electricity distribution, to be effective  
May 1, 2009. The Board has assigned the CNPI – EOP application File Number  
EB-2008-0222, the CNPI – FE application File Number EB-2008-0223 and the CNPI –  
PC application File Number EB-2008-0224. The Board issued Notices of Application  
and Hearing for each of the applications, Procedural Order No. 1 on October 1, 2008,  
and Procedural Order No. 2 on October 21, 2008.

In the first procedural order, 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.

In accordance with the Procedural Order No. 1, the Applicant has filed with the Board  
responses to the interrogatories from parties on December 12, 2008.

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 is now seeking the views of the Applicant and all parties regarding the need for additional procedural steps in this proceeding.

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. The Applicant, Board staff and all parties may file with the Board and deliver to all other parties on or before Friday January 9, 2009 any submissions on the following procedural issues:
  - (a) whether further discovery is required, either in the form of further interrogatories or a technical conference;
  - (b) whether a settlement conference would be appropriate; and
  - (c) whether a written or oral hearing is preferred.

Parties should provide specific reasons if a second round of interrogatories, a technical conference, or a settlement conference is required. Parties' position on a written or oral hearing must be supported with specific reasons, as well.

2. All filings to the Board must quote file numbers EB-2008-0222, EB-2008-0223, EB-2008-0224, 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.

3. 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.

**DATED** at Toronto, December 22, 2008

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary