



By E-mail & By Electronic Filing

January 15, 2009

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> floor  
Toronto ON M4P 1E4

Dear Ms Walli,

**Bluewater Power Distribution Corporation ("Bluewater")**

**Board File No.: EB-2008-0221**

**Our File No.: 339583-000028**

I am writing on behalf of Canadian Manufacturers & Exporters ("CME") in response to Procedural Order #2. In preparing this response, CME has had the benefit of reviewing Bluewater's correspondence of January 14, 2009, and Board Staff and VECC's correspondence of January 15, 2009.

In Procedural Order #2, the Board requested written submissions with respect to the following three (3) procedural issues:

- (a) Whether further discovery is required, either in the form of further interrogatories or a technical conference

CME does not require further discovery with respect to its interrogatories. However, CME supports both Board Staff and VECC's requests for additional clarification on their respective interrogatories.

- (b) Whether a settlement conference would be appropriate

CME believes that a settlement conference would, in this case, be of value to all parties. In this regard, both VECC and Bluewater support the conduct of a settlement conference.

Bluewater has requested that a procedural meeting or conference call take place prior to the settlement conference. CME does not object to this request.

Bluewater has also has requested that parties submit a brief position paper prior to the settlement conference. So long as the position papers are submitted on a

Borden Ladner Gervais LLP  
Lawyers • Patent & Trade-mark Agents  
World Exchange Plaza  
100 Queen Street, Suite 1100  
Ottawa ON K1P 1J9  
tel.: (613) 237-5160 fax: (613) 230-8842  
www.blgcanada.com

**VINCENT J. DeROSE**  
direct tel.: (613) 787-3589  
e-mail: vderose@blgcanada.com

Vancouver  
.  
Toronto  
.  
Ottawa  
.  
Montréal  
.  
Calgary

without prejudice basis, and so long as they do not limit the issues to be dealt with at the settlement conference, CME does not oppose this request.

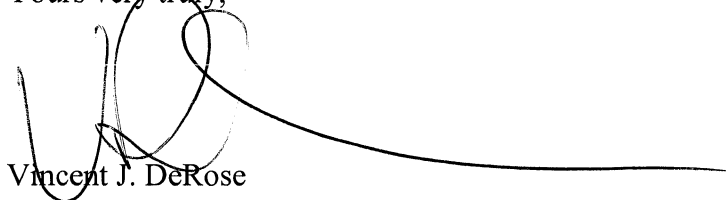
In CME's experience, settlement conferences tend to be most successful when the intervenors initially meet as a group, without the applicant, to identify further evidence needed to achieve settlement and to also identify the items which they seek to challenge in the Application. In CME's view, it would benefit the process if the Intervenor were provided with an opportunity to meet either prior to, or at the commencement of, the settlement conference.

(c) Whether a written or oral hearing is preferred

Whether or not an oral hearing is necessary will be dependent on the extent to which some or all of the issues are resolved at the settlement conference. Consequently, CME urges the Board to either defer its decision on whether to conduct this matter through a written or oral hearing until after the settlement conference, or alternatively, to schedule an oral hearing that can be converted to a written hearing after the settlement conference.

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Yours very truly,



Vincent J. DeRose

VJD

c. Bluewater Power Distribution Corporation  
Intervenor EB-2008-0221  
Paul Clipsham (CME)

OTT01\3633513\1