



**EB-2008-0235**

**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 London Hydro  
Inc. for an order approving just and reasonable rates and  
other charges for electricity distribution to be effective May  
1, 2009.

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

London Hydro Inc. ("London Hydro") filed an application with the Ontario Energy Board (the "Board"), received on December 8, 2008, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that London Hydro charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the File Number EB-2008-0235 to this application.

The Board issued a Notice of Application and Hearing on December 24, 2008. The Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), London Property Management Association ("LPMA"), the School Energy Coalition ("SEC"), and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. No objections were received and the Board allowed all interventions.

The Board issued Procedural Order No. 1 on January 26, 2009 to allow for discovery. In accordance with Procedural Order No. 1, Board staff issued interrogatories to London Hydro on February 13, 2009 and intervenors issued interrogatories to London Hydro on February 20, 2009.

On March 4, 2009, counsel for London Hydro sent a letter to the Board requesting an extension to reply to interrogatories until March 20, 2009. In a letter issued on March 6, 2009, the Board granted the extension. London Hydro filed its interrogatory responses on March 20, 2009.

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The Board issued Procedural Order No. 2 on April 23, 2009 which allowed for a supplemental round of interrogatories. Board staff and intervenors posed interrogatories to London Hydro by May 8, 2009, and London Hydro filed responses to the supplemental interrogatories on May 26, 2009.

The Board also invited parties to make submissions on the need for an oral proceeding to consider this application. All intervenors filed submissions on June 2, 2009, and London Hydro filed a reply submission on June 5, 2009.

In its submission, VECC submitted that while, there was no need for an oral hearing and that written submissions would be sufficient, London Hydro should first file an Argument-in-Chief or other document which, at a minimum, summarized what London Hydro was proposing and incorporated all changes to its original application, filed on December 8, 2008. CCC and LPMA supported VECC's proposal.

Energy Probe did not oppose a written hearing process to consider London Hydro's application. SEC concurred with other intervenors that an oral hearing was not necessary, but submitted that a settlement conference would be beneficial.

In its submission, London Hydro stated that a settlement conference and an oral hearing were not necessary. London Hydro agreed with VECC's proposal that it file an Argument-in-Chief or other similar document summarizing its proposal and incorporating all changes to its original application, filed on December 8, 2008.

The Board accepts the parties' position that an oral hearing is unnecessary. The Board will not require a settlement process as suggested by SEC. The Board is of the view that the record of the proceeding is extensive, and parties can argue their positions in their submissions. The Board agrees with VECC's proposal, supported by other intervenors and by London Hydro, that London Hydro should file an Argument-in-Chief summarizing its proposed application as revised through two rounds of interrogatories. The Board accepts the timeline proposed by London Hydro.

Please note that this Procedural Order may be amended and further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. London Hydro Inc. shall file an Argument-in-Chief or similar document with the Board and deliver it to intervenors by **June 15, 2009**. This document should summarize London Hydro Inc.'s application as of that date and highlight the revisions to the application that have occurred as a result of the interrogatory processes.
2. Board staff shall file a written submission, if any, with the Board, and deliver it to London Hydro Inc. and other intervenors, by **June 24, 2009**.
3. Intervenors who wish to make a written submission on the application must file that submission with the Board, and deliver it to London Hydro Inc. and other intervenors, by **June 29, 2009**.
4. If London Hydro Inc. wishes to respond to a submission, the response must be filed with the Board and delivered to intervenors by **July 16, 2009**.

All filings to the Board must quote the file number, EB-2008-0235, 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.

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**ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

E-mail: [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, June 10, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary