



**EB-2009-0215**

## **NOTICE OF APPLICATION AND WRITTEN HEARING FOR AN ELECTRICITY DISTRIBUTION RATE CHANGE**

### **Canadian Niagara Power Inc. - Port Colborne**

The Ontario Energy Board (the “Board”) received an application on November 10, 2009, 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 Canadian Niagara Power Inc. - Port Colborne (“CNPI - PC”) charges for electricity distribution, to be effective May 1, 2010. The Board has assigned the application file number EB-2009-0215. The Board’s decision on this application may have an effect on all of CNPI - PC’s customers. The application was filed under the Board’s guidelines for 3rd Generation Incentive Regulation, which provides for a mechanistic and formulaic adjustment to rates between cost of service applications. CNPI - PC also identified an arithmetical error in its existing rates that it requested be corrected, affecting the General Service 50 to 4,999 kW, Sentinel and Streetlighting rate classes.

Any change to the rates that CNPI - PC charges for electricity distribution will be reflected in the delivery charges. Delivery charges are one of four regular items on residential and general service customers’ electricity bills and vary depending on the amount of electricity consumed.

CNPI - PC indicates that if the application is approved as filed, a residential customer consuming 800 kWh per month would experience an approximate 6.3% increase in delivery charges. This is a \$2.80 per month increase on the total bill. A small general service customer consuming 2,000 kWh per month and having a monthly demand of 50 kW or lower would experience an approximate 14.2% increase in delivery charges. This is a \$11.82 per month increase on the total bill.

### **How to see CNPI - PC's Application**

Copies of the application are available for inspection at the Board's office in Toronto and on its website, [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), and at CNPI - PC's office and may be on its website.

### **How to Participate in the Rate Proceeding**

The Board intends to proceed with this specific application by way of a written hearing, unless a party satisfies the Board that there is good reason to proceed instead with an oral hearing.

You may participate in this proceeding in one of two ways set out below. Anyone who wishes to follow the proceeding without participating can review most documents relevant to the proceeding through the Board's website.

#### **1. Send a letter of comment to the Board**

You may file a letter with your comments with the Board and CNPI - PC. Your letter of comment will be provided to the Board panel deciding the application, and will be part of the public record. Your letter of comment must be received no later than **January 6, 2010**. The Board accepts letters of comment by either post or e-mail at the addresses below.

#### **2. Become an Intervenor**

You may ask to become an intervenor if you wish to actively participate in the proceeding. You must also provide a copy of your letter of intervention to CNPI - PC. Intervenor status is eligible to receive evidence and other material submitted by participants in the hearing. Likewise, intervenors will be expected to send copies of any material they file to all parties to the hearing. Your request for intervenor status must be made by letter of intervention and be received by the Board no later than **December 11, 2009**. Your letter of intervention must include a description of how you are, or may be, affected by the outcome of this proceeding; and if you represent a group, a description of the group and its membership. The Board may order costs in this proceeding only in relation to CNPI - PC's proposal for a revenue cost ratio adjustment and the correction of the arithmetical error. You must indicate in your letter of intervention whether you

expect to seek costs from CNPI - PC and the grounds for your eligibility for costs. For more information on cost awards and costs eligibility, please see the Board's *Practice Direction on Cost Awards*, available on the Board's website.

### **Interrogatories and Submissions**

Board-approved intervenors who wish information and material from CNPI - PC that is in addition to the evidence filed with the Board and that is relevant to the hearing shall request it by written interrogatories filed with the Board and delivered to CNPI - PC on or before **December 17, 2009**. CNPI - PC shall file with the Board complete responses to the interrogatories and deliver them to all intervenors no later than **January 13, 2010**.

Written submissions by an intervenor may be filed with the Board, and if so must be delivered to CNPI - PC and other intervenors, by **February 3, 2010**. If CNPI - PC wishes to respond to the submissions, its written response must be filed with the Board and delivered to all intervenors by **February 24, 2010**.

### **How to File Documents with the Board**

If you already have a user ID, please submit your interrogatories or submission through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). Additionally, two paper copies are required. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to file and naming conventions, please refer to the RESS Document Guidelines found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), e-Filing Services. Those who do not have internet access are asked to submit their interrogatories or submission on a CD or diskette in PDF format, along with two paper copies. You may also send your submission by post or e-mail to the addresses below.

In responding to this Notice, please include Board file number EB-2009-0215 in the subject line of your e-mail or at the top of your document. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

**Need More Information?**

Further information on how to participate may be obtained by visiting the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) or by calling our Consumer Relations Centre at 1-877-632-2727.

**IMPORTANT**

**IF YOU DO NOT FILE AN OBJECTION TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE PROCEEDING IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.**

**Addresses**

**The Board:**

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

Filings: [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca)  
E-mail: [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca)

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

**The Applicant:**

Canadian Niagara Power Inc. - Port  
Colborne  
1130 Bertie Street  
P.O. Box 1218,  
Fort Erie ON L2A 5Y2  
Attention: Douglas Bradbury

E-mail:  
[douglas.bradbury@fortisontario.com](mailto:douglas.bradbury@fortisontario.com)

Tel: 905-994-3634  
Fax: 905-994-2207

**DATED** at Toronto, November 23, 2009.

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary