



EB-2012-0064

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 Toronto
Hydro-Electric System Limited for an order approving
just and reasonable rates and other charges for
electricity distribution to be effective June 1, 2012,
May 1, 2013 and May 1, 2014.

PROCEDURAL ORDER NO. 2

Toronto Hydro-Electric System Limited ("THESL") filed an application with the Ontario Energy Board on May 10, 2012, under section 78 of the *Ontario Energy Board Act*, 1998, and the Board's Incentive Regulation Mechanism framework seeking approval for changes to the rates that THESL charges for electricity distribution, to be effective June 1, 2012, May 1, 2013 and May 1, 2014.

The Board issued a Notice of Application and Hearing dated June 27, 2012. On the same date, the Board also sent a letter to THESL which stated the Board's determination that the application would proceed to the stage of the establishment of a Board approved issues list and that once such an issues list had been established, the Board would assess the next steps in this proceeding taking into account the status of two outstanding matters: THESL's January 25, 2012 Notice of Motion to Review the EB-2011-0144 proceeding, and the Notice of Appeal to the Ontario Superior Court of Justice (Divisional Court).

On August 16, 2012, the Board issued its Issues List decision. The Board stated that it would await THESL's indication as to the status of the two outstanding matters referenced in the Board's letter of June 27, 2012 before determining further steps in this proceeding.

On August 20, 2012, counsel to THESL for the Notice of Motion, advised the Board on behalf of THESL that THESL was withdrawing its Motion to Review. On August 20, 2012, THESL advised the Board that the Notice of Appeal to Divisional Court was also being abandoned.

The Board has therefore determined that it is appropriate to undertake further procedural steps in this matter and is making provision for written interrogatories. The Board notes that interrogatories must reference the pre-filed evidence and must be filed by issue. The Board also requires that THESL file the responses to these interrogatories by issue and within each issue by intervenor. The Board encourages parties to use a continuous numbering system to facilitate subsequent referencing of the interrogatories and to limit the use of sub-numbering to those interrogatories where it is absolutely necessary.

The Board considers it necessary to make provision for the following matters related to 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. Board staff and intervenors who wish information and material from THESL that is in addition to THESL's pre-filed evidence and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to THESL and all intervenors on or before **September 14, 2012**.
2. Responses by the Applicant to interrogatories shall be filed with the Board and delivered to the intervenors on or before **October 5, 2012**.

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.

All filings to the Board must quote the file number, EB-2012-0064, be made through the Board's web portal at www.pes.ontarioenergyboard.ca/eservice/ 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. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Martin Davies at martin.davies@ontarioenergyboard.ca and Board Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

ADDRESS

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

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, August 22, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary