



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. 4
January 24, 2013

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 November 8, 2012, the Board issued Procedural Order No. 3 which established the process for this proceeding including the oral hearing and the filing of intervenor evidence and interrogatories.

In Procedural Order No. 3, the Board also noted THESL had requested that the Board defer consideration of 2014 projects to a second phase of this proceeding, with the exception of the Bremner Station project and associated capital contributions (“Bremner”). THESL submitted that it was necessary to treat Bremner as an integrated three-year undertaking and Board approval for the whole of the first phase of this project was required to enable THESL to enter into the construction and equipment supply commitments necessary to achieve completion by the end of 2014.

The Board accepted THESL's proposal that the 2014 component of this application, with the exception of that relating to Bremner, be incorporated into a separate phase of this proceeding. The Board stated that it would provide further direction on the issues relating to this subsequent phase prior to the conclusion of this phase of the proceeding.

The Board further stated that in order to expedite matters, it had determined that Bremner would be considered in a separate process as part of the initial phase (the "Bremner Process"). The Board determined that the Bremner Process would commence once the Technical Conference that was established in Procedural Order No. 3 had been completed, and would run in parallel with the rest of the initial phase of this proceeding.

The Board also stated that it would consider whether to have an oral component in the Bremner Process as more information became available regarding its scope.

On December 7, 2012, Environmental Defence ("ED"), an intervenor in this proceeding, filed evidence prepared by the consultant H.R. Bach. On December 21, 2012, THESL filed interrogatories related to this evidence and on January 9, 2013, ED responded to these interrogatories.

With respect to the examination of the issues concerning the Bremner Station, ED advised the Board that in addition to its consultant, it wished to call a witness from the Ontario Power Authority (OPA) to answer questions regarding the conservation and demand management ("CDM") and distributed generation ("DG") opportunities that could be funded by the OPA in downtown Toronto in the future; and the OPA's forthcoming Toronto Regional Plan. EP stated that the relevance and importance of this evidence was outlined in an attached letter to the OPA.

The Board has determined that it will hold an oral hearing as part of the Bremner Process as it believes this would be the most effective approach given the significance of the project and the range of issues which it raises. The Board has established a hearing schedule allowing a maximum of two days for this hearing. The Board has also established a schedule for oral argument.

The Board will expect ED to ensure that any witnesses it plans to call are available on these two days and expects intervenors to work together in order to avoid unnecessary duplication of areas of cross-examination.

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. An Oral Hearing on the Bremner project will commence on **February 19, 2013** in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto at 9:30 am. The hearing may continue on **February 20, 2013** if needed.
2. The Board will hear oral argument-in-chief from Toronto Hydro-Electric System Limited on **February 21, 2013** commencing at 1:00 pm.
3. The Board will hear oral submissions from intervenors and Board staff on **March 1, 2013** commencing at 9:30 am.
4. The Board will hear oral reply argument from Toronto Hydro-Electric System Limited on **March 4, 2013** commencing at 9:30 am.

DATED at Toronto, January 24, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary