



EB-2007-0063

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF applications by electricity distribution companies for approval of a smart meter rate adder;

AND IN THE MATTER OF a combined proceeding initiated by the Ontario Energy Board pursuant to sections 19(4), 21(1), 21(5) and 78(3.03) of the *Ontario Energy Board Act*, 1998 to determine issues related to the recovery of costs incurred by distributors and associated with authorized discretionary metering activities.

PROCEDURAL ORDER NO. 5

In January and February of 2007, twelve licensed distributors authorized to conduct discretionary metering activities filed applications pursuant to section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B) (the "Act") for the approval of distribution rates, which applications included a smart metering rate adder to be effective as of May 1, 2007. These distributors are Chatham-Kent Hydro Inc., Enersource Hydro Mississauga Inc., Horizon Utilities Corporation, Hydro One Brampton Networks Inc., Hydro One Networks Inc., Hydro Ottawa Limited, Middlesex Power Distribution Corporation, Milton Hydro Distribution Inc., PowerStream Inc., Tay Hydro Electric Distribution Co. Inc., Toronto Hydro-Electric System Limited, and Veridian Connections Inc.

On March 26, 2007, the Board received an application from Toronto Hydro-Electric System Limited pursuant to section 78 of the Act for rate adjustments related to smart metering activities and Conservation and Demand Management activities. The Board will consider the adjustments related to smart metering activities in this Combined Proceeding.

On May 2, 2007, the Board issued a further Notice of a Combined Proceeding pursuant to sections 19, 21 and 78 of the Act to determine the prudence and recovery of costs associated with smart metering activities for the twelve licensed distributors referred to above, and a thirteenth licensed distributor, Newmarket Hydro Limited, that has been authorized by regulation to conduct discretionary metering activities. These thirteen licensed distributors are deemed to be applicants in the Combined Proceeding.

On May 18, 2007 the Board issued Procedural Order No. 1 which identified the issues to be addressed in this proceeding and set out the case timetable. On May 25, 2007 the Board issued Procedural Order No. 2 amending the schedule for the Issues Conference and Issues Day.

The Board held Issues Day on June 1, 2007 and heard submissions from the parties on contested issues and proposed minimum filing requirements. During Issues Day, several applicants made submissions regarding the filing of confidential material that would be required under the Minimum Filing Requirements. The Board issued its oral Decision with respect to these matters on June 1, 2007. Reference should be made to the transcript of the Issues Day proceeding for that oral Decision.

On June 5, 2007 the Board issued Procedural Order No. 3 to provide the Issues List, Minimum Filing Requirements requiring, in part, confidential documents filed in accordance with the Board's *Practice Direction on Confidential Filings*, and the Exhibits List.

On June 11, 2007, the Board issued Procedural Order No. 4 to provide direction regarding the hearing of any objections to requests by several applicants for confidentiality received as part of their June 8, 2007 filings, and replies to any such objections.

On June 28, 2007, the Board requested that all parties provide, as part of their arguments, a clear indication of what, if any, aspects of the material filed in evidence, either by way of pre-filed evidence, oral testimony, written undertakings or otherwise, should remain confidential in the Board's Decision in this matter. The Board also requested that applicants notify their third party vendors that the Board would allow the vendors to make final arguments on confidentiality to be filed the same time as the arguments in chief.

In this Procedural Order, the Board is providing direction regarding the hearing of oral reply submissions on the issue of confidentiality.

The Board may issue further Procedural Orders from time to time.

THE BOARD ORDERS THAT:

1. All oral submissions on the issue of confidentiality will be heard commencing at 9:30 a.m. on July 12, 2007 and will form part of the public record.
2. Third party vendors may make oral submissions on the issue of confidentiality commencing at 9:30 a.m. on July 12, 2007.
3. The oral reply submissions of the applicants on issues other than confidentiality will be made in camera, commencing immediately upon completion of the confidentiality submissions on July 12, 2007. If there is insufficient time to hear all submissions on July 12, 2007 the hearing will resume at 2:00 p.m. on Friday, July 13, 2007 (date and time to be confirmed on Thursday July 12, 2007).

DATED at Toronto, July 10, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary