



RP-2002-0118

EB-2002-0332

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

AND IN THE MATTER OF a Notice of Intention to Make a Compliance Order under section 75 of the *Ontario Energy Board Act*, 1998.

PROCEDURAL ORDER NO. 1

Particulars of The Proceeding

On October 8, 2002, the Board issued a Notice of Intention to Make a Compliance Order (the "Notice") to Hydro One Networks Inc. ("Hydro One Networks"). The Board's issuance of this Notice arose out of submissions made by Abitibi-Consolidated Company of Canada ("Abitibi-Consolidated") in a letter to the Board dated April 20, 2002 in which Abitibi-Consolidated alleged that Hydro One Networks was in breach of its transmission rate order in that it is applying Transmission Charges to Abitibi-Consolidated's Fort Francis complex, on a gross load basis. Abitibi-Consolidated maintains that this method of billing is contrary to the RP-1999-0044 Board Decision and Hydro One Networks' Transmission Rate Order. In addition, Abitibi-Consolidated alleged that Hydro One Networks is inappropriately applying Line Connection Charges to a transmission connection line which connects the Fort Francis complex to the Hydro One Networks transmission network.

On October 21, 2002 Hydro One Networks requested a hearing in this matter. The Board has determined that this matter should proceed by way of an oral hearing, to take place at a future date after the following matters are complete.

THE BOARD ORDERS THAT:

- 1 Abitibi-Consolidated and Hydro One Networks are parties to this proceeding.
- 2 In accordance with section 7.02 of the Board's Practice Directions for Appeals, (the "Practice Directions") the date for the commencement of the pre-hearing process is established to be December 19, 2002.

- 3 The parties and Board staff shall disclose to all other parties the existence of all documents in their possession or control relevant to the proceeding to all other parties by January 10, 2003, and shall file such disclosure with the Board by the same date. 11
- 4 Where parties disclose documents by way of a list they shall provide copies of any of the documents within seven days of the request of a party or Board staff. 12
- 5 Abitibi-Consolidated, Hydro One Networks and Board staff who wish information and material from another party that is in addition to the material disclosed under paragraph 3, and that is relevant to the proceeding, shall file with the Board and deliver to the party written interrogatories, no later than January 24, 2003. 13
- 6 The parties shall file with the Board and deliver to the other party, responses to the written interrogatories no later than February 7, 2003. 14
- 7 Board staff shall file with the Board and serve on other parties to the proceeding any witness statements for Board staff witnesses and all documents on which those witnesses would rely on at the hearing, no later than February 21, 2003. 15
- 8 The parties shall file with the Board and serve on the other parties to the proceeding, all documents and witness statements on which they intend to rely on at the hearing, no later than February 28, 2003. 16
- 9 All interrogatories must include a reference section which identifies specific evidence on which the interrogatory is based. References must be specific and detailed, incorporating exhibit and page numbers. 17
- 10 All filings to the Board noted in this Order must be in the form of **6 hard copies and received by the Board by 4:45 p.m.** on the stated dates. The Board requests that all parties make every effort to include a copy of their filings on disk, in WordPerfect format, along with the hard copies which are filed. Each party must send its filings to all other parties as well as to the Board. 18

ISSUED at Toronto, December 18, 2002. 19

Paul B. Pudge
Board Secretary

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Addresses

Hydro One Networks Inc.

Mary Anne Aldred
Senior Legal Counsel
483 Bay Street
8th Floor
Toronto, Ontario
M5G 2P5
Tel: 416-345-6302
Fax: 416-345-6972

Abitibi-Consolidated Company of Canada

Jim Gartshore
General Manager - Fort Francis Mills
145 Third Street West
Fort Francis, Ontario
P9A 3N2
Tel: 1-807-274-5311, Ext. 1812
Fax: 1-807-274-8200

Counsel:

James C. Sidlofsky
Borden Ladner Gervais LLP
Suite 4100
Scotia Plaza
40 King Street West
Toronto, Ontario
M5H 3Y4
Tel: 416-367-6277

Fax: 416-361-2751

Ontario Energy Board

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Paul B. Pudge
Board Secretary
2300 Yonge Street
26th Floor
Toronto, Ontario
M4P 1E4
Toll Free: 1-800-632-6273
Fax: 416-440-7656

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