



EB-2007-0760

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 Niagara Falls Hydro Inc. seeking a decision and order to make changes to its Conservation and Demand Management plan;

AND IN THE MATTER OF an application by Niagara Falls Hydro Inc. under section 21(4)(b) of the *Ontario Energy Board Act, 1998*, seeking to dispose of the proceeding without a hearing.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Cathy Spoel
Member

DECISION AND ORDER

Niagara Falls Hydro Inc. ("Niagara Falls" or the "Applicant") filed an application, dated September 4, 2007 for a decision and order seeking an extension of spending approved funds in relation to incremental third tranche spending of its approved Conservation and Demand Management ("CDM") plan. Niagara Falls has also requested, pursuant to subsection 21(4)(b) of the *Ontario Energy Board Act, 1998* (the "Act") that the Ontario Energy Board (the "Board") dispose of the proceeding without a hearing. The Board assigned file number EB-2007-0760 to this application.

On February 18, 2005, Niagara Falls was granted approval of its CDM plan. The total approved budget for Niagara Falls's CDM plan is \$900,071.

Niagara Falls seeks an extension of the completion date for incremental third tranche CDM expenditures (RP-2004-0203/EB-2004-0523) from September 30, 2007 to April 30, 2008 due to resource issues.

Niagara Falls has also requested that the Board dispose of this matter without a hearing pursuant to section 21(4)(b) of the Act. Section 21(4)(b) of the Act states that the Board may dispose of a proceeding without a hearing if the Board determines that *“no person, other than the applicant, appellant or licence holder will be adversely affected in a material way by the outcome of the proceeding and the applicant, appellant or licence holder has consented to disposing of a proceeding without a hearing.”*

The Board approves the deadline extension to complete CDM activities to April 30, 2008 as proposed by Niagara Falls.

THE BOARD ORDERS THAT:

Niagara Falls Hydro Inc. is granted an extension to the completion date of third tranche CDM activities to April 30, 2008.

DATED at Toronto, October 1, 2007

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary