

July 16/2009

To: ONTARIO ENERGY BOARD
Fax #: 1-416-440-7656
Re: Hydro One's letter of objection.
Date: July 16, 2009

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JUL 16 2009

Pages: Three (3), including this cover sheet.

File No.: EB-2008-0272, Cost Awards.

**ONTARIO ENERGY BOARD
OFFICE OF THE BOARD SECRETARY**

Attention: Ms KIRSTEN WALLI, BOARD SECRETARY ONTARIO ENERGY BOARD.

Dear Ms WALLY;

Attached is my response to Hydro One Networks Inc.'s letter that contained objections to my reimbursement for my cost in dealing with EB-2008- 0272.

I have to send this by fax, as I just returned to Canada from an overseas business trip on July 12. Regular mail would not be delivered in time.

Yours truly,



Lewis J. Balogh

LB./ attachments

From the desk of...

Lewis Balogh
Owner
Balogh Farms & Vineyard
RR #3 Langton
Silver Hill, Ontario Canada

519-875-4825
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BALOGH FARM & VINEYARD

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519-875-4825
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July 16, 2009.

Ms Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St.
Suite 2700 Toronto, On.
M4P 1E4

Dear Ms Walli:

Subject: Hydro One's Objection to Lewis Balogh's Cost Awards for EB-2008-0272.

In a letter of July 7, 2009 from Ms. Susan Frank to you, Hydro One Network Inc. raised objections to my request to be paid 100 per cent of the cost of my participation in the proceedings that dealt with Hydro's revenue request for 2009 and 2010, between January and March 2009.

Their objections were based on two aspects of the documents I submitted, these were:

- a) they did not include some receipts;
- b) I was not entitled to an honorarium of \$300 per diem.

When I inquired about what receipts were missing from the set of receipts I submitted, Hydro One informed me that the claim for meals, while I was away to attend the hearings, was not documented by receipts.

This is true I did not, because in submitting travel expenses to both, provincial and federal government in the past (22 years ago) that was only required if the amount was over the allowable daily limit. When I read the Practice Direction on Cost Awards, on page 10 the last line reads "reasonable meal expenses will be accepted"- there is no reference made to receipts.

During my trips to the oral hearings, I searched for the least costly hotels in Toronto to reduce the overhead, a principle I was trying to persuade Hydro One to follow during my cross examinations. Similarly the meals I purchased were well below the amount of \$17 per meal the federal government currently allows without receipt.

If I drew the wrong conclusion, I stand corrected.

With respect to item b) above, my request for a per diem, as I stated in my covering letter of June 25, 2009, that was based on clause 3.08 of **Practice Direction on Cost Awards**, in which it says that it is . . . **"The Board [that] may approve an honorarium recognizing individual efforts, in preparing and presenting an intervention or submission . . . "and not the Applicant**, in this case Hydro One.

Also, in its section 6.04 under the heading of **Reimbursement for Costs Claimed** it states that **" An individual party that has incurred a wage or salary loss as a result of participating a hearing may recover all or part of such wage or salary loss, subject to review by the Board...."**

My absence from our business for a number of days without compensation, certainly means monetary loss.

It was ironic to note that the organization, which was proven to overpay a large percentage of its employees, expects those who make considerable effort in exercising a much needed oversight, to do this for naught by objecting to a modest per diem.

page 2 of 2.


I therefore respectfully ask you, Madam Secretary to overrule Hydro One Networks' objection and approve the cost awards as submitted.

Lastly, I did not claim other expenses, such as priority postage and the cost of setting up an E-mail account, which was required to receive material in a timely fashion for the hearing. I omitted these to reduce cost and to show fiscal discipline.

In closing, I am grateful for the opportunity of having played a small role in taking part in this process which achieved tangible results for those who are consumers of electricity in Ontario in these times of economic malaise.

At times like these, those of us who operate small businesses can use any help we can get, and the Board's Decision in this matter was a much need help. Thank you.

Yours truly,



Lewis J. Balogh.

C: Ms. Susan Frank
Vice President and
Chief Regulatory Officer.