

# *Aiken & Associates*

578 McNaughton Ave. West  
Chatham, Ontario, N7L 4J6

Phone: (519) 351-8624  
E-mail: [randy.aiken@sympatico.ca](mailto:randy.aiken@sympatico.ca)

January 27, 2011

## **BY RESS and EMAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli,

### **RE: EB-2010-0142 - Toronto 2011 Rates**

I am consultant for the Building Owners and Managers Association of the Greater Toronto Area ("BOMA") in the above noted proceeding. I have reviewed the letter dated January 26, 2011 from counsel for the Applicant related to rescheduling of the hearing. I have also reviewed the letter dated January 27, 2011 from counsel for the School Energy Coalition ("SEC").

On behalf of BOMA I support the comments of SEC. Until the new and revised evidence and rate impacts are filed, it is not possible to determine how long it will take to have a reasonable discovery process.

While Toronto indicates that it expects that it will submit its updated evidence on February 9th, they also indicate that it intends to submit evidence of final approval from its auditors regarding the CGAAP Accounting Update, but that it is not clear whether it will have this approval in time to file it together with the other CGAAP account updating materials. It is submitted that this material is a key driver of the need to update and revise the evidence for the CGAAP Accounting Updates, and as such Toronto should push back their filing date so that all of the evidence can be filed at once.

It does appear unreasonable to have the oral hearing schedule for the week immediately following the conclusion of the ADR, as experience indicates that it takes several weeks for the application to provide a draft of the agreement and intervenors to review and provide changes to the agreement before it can made final.

With respect to timing of any technical conference, the settlement conference and the oral hearing, it is submitted that the Board should attempt to schedule around, and not over, other proceedings that have already been scheduled that involve many of the same intervenors. For example a technical conference has been scheduled for Waterloo North on February 24th that would prevent my attendance at the Toronto proceeding for at least part of that date. In addition, the week of February 28th through March 4th is already booked for the Kingston Hydro oral hearing, along with the Waterloo North settlement conference.

All of which is respectfully submitted.

Sincerely,

*Randy Aiken*

Randy Aiken  
Aiken & Associates

cc: Glen Winn, Toronto Hydro-Electric System  
J. Mark Rodger, Borden Ladner Gervais LLP  
Intervenors of Record