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BY EMAIL and RESS

July 23, 2012

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2011-0140 – East-West Tie Line Designation – HONI Objection

We are counsel to the School Energy Coalition (“SEC”). SEC has reviewed the letter from Hydro One Networks Inc. (“HONI”) objecting to non-registered transmitters being given access to the unreacted versions of various consultant reports that have been given confidentiality treatment by the Board. This letter constitutes SEC’s reply.

HONI’s sole objection is that in their view non-registered transmitters have no need to see “commercially sensitive information. SEC disagrees. Ratepayer groups such as SEC have a specific interest in reviewing the consultant reports, as it may help inform their positions and submissions regarding the plans that are ultimately filed. The Board has recognized the importance of disclosure of these documents in its Phase 1 Partial Decision and Order dated June 14, 2012. SEC like all other parties to his proceeding is bound by the Board’s order regarding confidentiality and the terms of the signed Declaration and Undertakings. HONI has provided no reason to suggest that the information will not be held in confidence by non-transmitter parties.

For the same reasons that the information may be useful to the registered transmitters and to the Board, it will be useful to SEC in helping to provide the Board with its perspective which transmitter should be designated. The consultant reports, for example, may be relevant to specific criteria and plan requirements set out in the Board’s Phase 1 decision including project

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costs, development costs and the ability for the designated transmitter to complete the regulatory processes.

SEC agrees with the submissions of the Consumers Council of Canada that creating two categories of parties, one with access to the entire record, and others with only partial access, may raise issues of procedural fairness. Further, the consultant reports commissioned by HONI were funded entirely through transmission rates which are paid for by ratepayers. It would seem odd that representatives from non-ratepayer organizations (i.e. registered transmitters) would be able to have access to the unreacted information but not organizations representing parties who paid for it.

Yours very truly,
Jay Shepherd P.C.

Originally signed by

Mark Rubenstein

cc: All Parties (by email)