

Amanda Klein

Director, Rates & Regulatory Affairs
Toronto Hydro-Electric System Limited
14 Carlton Street
Toronto, ON M5B 1K5

Telephone: 416.542.2729
Facsimile: 416.542.3024
regulatoryaffairs@torontohydro.com
www.torontohydro.com



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via RESS e-filing – signed original to follow by courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Toronto Hydro-Electric System Limited (“THESL”)
OEB File No. EB-2013-0301**

THESL writes to the Ontario Energy Board (“OEB”) in respect of the above-noted matter and in response to the letter issued by the OEB on August 22, 2013 (the “August 22 Letter”). THESL is appreciative of the OEB affording stakeholders an opportunity to engage directly on the important matter of interventions.

As a general matter, THESL welcomes the constructive participation of legitimate intervenor interests in OEB proceedings. THESL believes that focussed and constructive participation of intervenors in the OEB’s processes can add value and contribute to a robust exploration of the particular issue(s) before the OEB.

Regarding the consultation that is the subject of this submission, THESL seeks to participate actively and helpfully in all OEB proceedings. However, THESL would benefit - and respectfully submits that others may also benefit - from having a better understanding of the OEB’s objective(s) in this consultation before commenting on a number of questions posed by in the August 22 Letter.

Further, THESL is mindful that it has limited insight into how intervenors approach and perceive their participation within the current framework. THESL believes that it is important to also have a better understanding of those perspectives prior to commenting on a number of the questions posed by the OEB in its August 22 Letter.

THESL looks forward to hearing more from the OEB and intervenors and participating in further opportunities to address the issues raised in the August 22 Letter as the discussion in this consultation evolves.

Notwithstanding that THESL cannot comment at this time on a number of the specific questions posed by the OEB, THESL would like to take this opportunity to make brief comments on the matter of

intervenors seeking status in any given proceeding. In particular, and in THESL's submission, the starting point for this inquiry is the OEB's existing *Rules of Practice and Procedure* ("Rules") regarding interventions.

THESL respectfully submits that robust compliance with the existing Rules would be of service to the OEB's ability to assess the potential value that any given intervenors participation may add to a particular proceeding. THESL wishes to note that its submission in this regard is not intended to criticize past intervenor participation, which has resulted in many sound decisions and positive outcomes for ratepayers and licensees. Rather, THESL wishes to emphasize its belief that the OEB's objective (enhancing the efficiency and effectiveness of proceedings) will be best achieved in a framework where compliance with the Rules is resolutely observed by participants and rigorously enforced by the OEB.

To THESL's knowledge, the OEB's existing Rules do not permit generic interventions. In order to promote effective and productive proceedings, the OEB requires that intervenors specify a substantial interest in the matter, and that they clearly specify the nature and scope of their intended participation. The OEB's Rules accordingly encourage the focussed and meaningful hearing of applications and the effective and efficient testing of evidence before the OEB, within the bounds of the matters at issue in any given proceeding.

Where the specific interests of intervenors can be discerned, then the Board is better enabled to assess the appropriateness of the proposed interventions and organize the subsequent steps in the proceeding in the most efficient manner.

To this end, THESL submits that the Board would be assisted by better understanding of the identity of those that constitute the intervenor seeking status in a particular proceeding. In other words, who are the persons or organizations that comprise the party seeking intervenor status? In some cases, this may be more readily distinguishable than others (such as in the case where the intervenor is an individual, a company or a group of identified companies). However, where the proposed intervenor is a less clearly-defined consortium, these details may not be obvious merely from the name or a general description of the intervenor group.

THESL also submits that the OEB would be assisted by a more transparent and specific understanding of an intervenor's substantial interest(s) in the proceeding. This would include (as applicable), a description of what their mandate is in the particular proceeding. THESL respectfully submits that the identification of this interest should be specific and not general in nature. It should relate to specific facts, arguments or positions at issue in the particular application before the OEB, rather than the restatement of a general issue or recourse to an element that is constitutive of the OEB's general mandate. In this way, procedural steps - for example the interrogatory stage - may be managed in a more efficient and productive manner, without sacrificing the benefits of a robust testing of the evidence.

THESL is also mindful that intervenor groups and their counsel are entitled to a "zone of privilege" and confidentiality regarding genuine legal communications between lawyer and client, and submits that this

space should continue to be respected and protected. None of THESL's comments above are intended to suggest that this zone of privilege should be in any way eroded. Please do not hesitate to contact me if you have any questions.

Yours truly,

[original signed by]

Amanda Klein

Director, Rates & Regulatory Affairs
Toronto Hydro-Electric System Limited
regulatoryaffairs@torontohydro.com

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cc: Intervenor of Record for EB-2013-0301 by electronic mail only