



Jay Shepherd

Professional Corporation
2300 Yonge Street,
Suite 806
Toronto, Ontario M4P 1E4

BY EMAIL and RESS

January 13, 2015
Our File No. 20140116

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2014-0116 – Toronto Hydro 2015-2019 Rates – CEA Proposed Motion Dates

We are counsel for the School Energy Coalition (“SEC”). We are writing with respect to the letter of the Canadian Electricity Association (“CEA”) dated January 10th 2015, seeking to intervene in SEC’s motion. While SEC does not object to the CEA’s intervention, it strongly opposes delaying the hearing of the motion until April.

SEC objects to the CEA’s request for such a lengthy delay as it may have a substantial impact in the schedule of the proceeding, potentially requiring a delay in the scheduled settlement conference¹, and definitely requiring a delay in the oral hearing until after the motion is decided.

While SEC recognizes that the CEA’s intention to file a Notice of Constitutional Question will require a delay in hearing the motion from the date set out in Procedural Order No. 4, that delay should not be for 2 months, but no more than the required 15 days. The CEA is a mature organization, with sophisticated members. It does not require two months to provide evidence, above and beyond what it has already filed in its affidavit in EB-2013-0159 (Oakville Hydro 2014 rates proceeding) on the exact same issue.

¹ The settlement conference may not need to be delayed. The information Toronto Hydro has agreed to file on or before January 13th, 2015, may be sufficient to allow SEC, other parties, and the Board to determine whether the relevance and materiality of the CEA benchmarking documents is sufficiently high to prejudice parties’ participation in the settlement conference if the motion is not heard and decided beforehand.



While the CEA cites the combined confidentiality decision in EB-2013-0115/EB-2013-0159/EB-2013-0174, as further reason why it requires a delay to prepare evidence, SEC notes that claims of economic or financial loss upon disclosure go to the issue of potential confidentiality treatment under the *Practice Direction on Confidential Filings*. SEC's motion is about disclosure of the information at all, whether or not confidential. If the motion is successful, SEC expects that Board, in a subsequent step in the proceeding, may require submissions on the issue of confidential treatment. The Board will be in a position at that time to assess whether the claims of economic or financial loss, if made, are sufficiently contentious to require the level of evidentiary support CEA appears to be contemplating.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

Original signed by

Mark Rubenstein

cc: Wayne McNally, SEC (email)
Jay Shepherd, JSPC (email)
P. Ruby, counsel the CEA
Interested Parties (email)