



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 – AMPCO and Energy Probe Motions

We are counsel for the School Energy Coalition (“SEC”). We are writing pursuant to Procedural Order No. 4, in support of the motions filed by the Association of Major Power Consumers in Ontario (“AMPCO”) and Energy Probe. The motions seek relevant information from Toronto Hydro-Electric System Limited (“Toronto Hydro”) to the proceeding and should be produced.

AMPCO Motion

SEC supports AMPCO’s motion. AMPCO motion seeks information which will allow it, and other parties, to derive unit cost information regarding Toronto Hydro’s past and proposed capital program. Unit cost information is important in testing the reasonableness of the Toronto Hydro’s forecast capital expenditures, and to ensure that the proposed capital program is as efficient as it should be.

The Board has in the past described the scope of production of documents as a broad one¹, and includes items that simply may be relevant². The test for relevance has to be broad, considering the public interest mandate of the Board and the inherent asymmetry of information that exists between the Board (and interveners) and the entities it regulates.

¹ *Decision and Order on Motion* (EB-2007-0050), dated April 7 2008, p.7

² *Decision on Motion for the Production of Evidence and Procedural Order No. 3* (EB-2013-0029), February 12 2013, p.5



At the Technical Conference, in objecting to the original questions posed, Toronto Hydro took the position that the information is not relevant because it does not provide a direct comparison year over year since there are different mixes of jobs within a program or portfolio each year.³ SEC disagrees. While each individual job or asset replacement in a given year may be different for a variety of reasons, it should have the effect of making the *average* cost in a given year for each category so different as to make a unit cost analysis meaningless.

Regardless, while this may be Toronto Hydro's position, this information cannot reasonably be considered irrelevant for the purpose of pre-hearing discovery. Unit cost information is widely used by parties and the Board to test the appropriateness of the proposed expenditures of utilities.

Energy Probe Motion

SEC supports Energy Probe's motion for the reasons set out in the Notice of Motion.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

Original signed by

Mark Rubenstein

cc: Wayne McNally, SEC (email)
Interested Parties (email)

³ Technical Conference Transcript, Volume 1, p.91-93