



Jay Shepherd

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

BY EMAIL and RESS

January 20, 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 – Procedural Order No. 6

We are counsel for the School Energy Coalition (“SEC”). We are writing with respect to concerns SEC has with Procedural Order No. 6, which sets out dates for filing of materials in the hearing of its motion.

Procedural Order No. 6 sets out the following:

1. *CEA is directed to file with the Board and deliver to all parties any materials related to the SEC Motion by January 21, 2015.*
2. *Parties wishing to make any submissions on the CEA SEC Motion materials shall file any such material with the Board and deliver it to all parties by January 26, 2015.*
3. *Should CEA wish to file any reply submissions it shall file such material with the Board and deliver it to all parties by January 28, 2015.*

SEC submits that Procedural Order No. 6 is not consistent with the Board’s duty of procedural fairness to parties.

First, while the CEA has intervened and filed a Notice of Constitutional Question related to one of its three proposed submissions¹, ultimately it is SEC’s motion. It is SEC who has to satisfy the

¹ CEA Letter to the Board, dated January 10th 2015, at p.2



overarching onus of its requested relief. It is not procedurally fair to provide for a non-moving party (CEA), the right of written reply, instead of the moving party (SEC).

Second, Procedural Order No. 6 requires SEC to file written submissions on the CEA materials at the same time as all other parties. SEC is not provided any opportunity to provide a written response to any submissions filed by Toronto Hydro and other intervenors.

SEC requests that the Board amend Procedural Order No. 6 to provide for the opportunity for it, not the CEA, to file reply submissions by January 28th.

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)