



BY EMAIL and RESS

Mark Rubenstein
mark@shepherdrubenstein.com
Dir. 647-483-0113

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

September 4, 2018
Our File: EB20170039

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2017-0039 – Essex Powerlines Corporation – SEC Comments

We are counsel to the School Energy Coalition (“SEC”). Pursuant to the Board’s *Decision and Order*, we write to provide SEC’s comments on the appropriate effective date and Draft Rate Order for Essex Powerlines Corporation (“EPLC”). We also write to clarify the record regard SEC’s position on one matter identified in the *Decision and Order*.

1. **Effective Date.** EPLC has requested an effective date of May 1st 2018 for new rates resulting from the approval of the Settlement Proposal and the Board’s *Decision and Order*. SEC does not object to the proposed effective date. EPLC filed its application on time and did not take any actions to unduly lengthen the proceeding. Most importantly, the parties filed a partial Settlement Proposal which resolved all base rate issues sufficiently in advance of May 1st.
2. **Rate Riders.** Based on the approval of a May 1st effective date, EPLC is seeking a foregone revenue rider to collect the difference from the changes in base rates until its expected October 1st implementation date. Its proposal is to calculate and apply the rider based on a 3 month period disposition period until the end of 2019. SEC submits this is not appropriate. The disposition period for the foregone rate rider should be till the end of its 2018 rate year (April 30, 2019). EPLC’s foregone revenue rider disposition period should be 7 months based on an October 1st effective date.
3. **Clarification of the Record.** In the *Decision and Order*, the Board stated that with respect to the confidential request made for certain audit reports, “[the] OEB received no objections to Essex Powerlines’ confidential treatment request” (p.10). The statement would appear to suggest that no party had an objection to the confidentiality request.

While SEC is not requesting that the Board vary its decision to grant the request for confidential treatment, we do wish to clarify the record regarding the issue. While it is correct that no objection was sent to the Board, this is because the Board never provided a formal opportunity for the filing of objections, even though it had indicated in Procedural Order No. 3 that it do so at a later date (p.2). If the Board had provided that opportunity as indicated,



SEC would have filed submissions objecting to the request, subject only to a limited exception.

Yours very truly,
Shepherd Rubenstein P.C.

Original signed by

Mark Rubenstein

cc: Wayne McNally, SEC (by email)
Applicant and Intervenors (by email)