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**BY EMAIL and REGULAR MAIL**

January 15, 2009

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

**Re: Bluewater Power Distribution Corporation Limited  
EB-2008-0221  
SEC Response to Procedural Order #2**

We are writing on behalf of our client, the School Energy Coalition (SEC) in response to Procedural Order #2 in the above-captioned proceeding, in which the Board sought submissions from the parties on a number of procedural items.

With respect to whether additional discovery is required, SEC is satisfied with the answers it has received to its interrogatories but notes that other parties have asked for an opportunity to ask clarifying questions on the responses provided to their interrogatories. SEC is indifferent as to what form that additional discovery should take, but notes that in other distribution cases for the 2009 test year parties have opted for a second round of interrogatories in lieu of a technical conference.

In view of the comments from other parties, SEC believes that a settlement conference would be useful in this case. However, SEC has concerns about some of the proposed procedures suggested by the Applicant in connection with the settlement conference. Specifically, SEC believes that the Applicant's suggestion that parties (by that the Applicant appears to be referring only to intervenors) be required to submit a position paper setting out a list of O&M and capital items they seek to challenge would needlessly add to the expense of the settlement conference. We believe the process of advising the applicant what aspects of the application intervenors will be challenging is most efficiently handled by having the intervenors meet prior to or at the commencement of the settlement

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conference in order to present the applicant with a comprehensive set of issues/position regarding the application.

SEC believes that a decision as to a written or oral hearing should be deferred until after the settlement conference.

All of which is respectfully submitted.

Yours very truly,  
**SHIBLEY RIGHTON LLP**

*Original signed*

John De Vellis

c.c.: Parties to EB-2008-0221