



February 17, 2009

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27th Floor  
Toronto, ON M4P 1E4  
**Attention: Ms. Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: Combined PILs Proceeding, EB-2008-0381**

On February 3, 2009, the Board issued Procedural Order No. 3 in the above noted matter. In that Order, the Board required *ENWIN* and the other applicants to consider the scope of the interrogatories and make submissions to the Board on a reasonable date for the filing of the interrogatory responses. Those submissions follow below.

**Starting Point**

Any Board proceeding is of overwhelming importance to *ENWIN*. The company takes its applications to the Board and the Board's initiatives very seriously. Accordingly, *ENWIN* will make the sacrifices and adjustments necessary to maximize its dedication to the PILs proceeding. *ENWIN* appreciates that the Board has solicited *ENWIN*'s input in advance of stipulating a timeframe within which *ENWIN* must prepare and file its responses to the Board Staff interrogatories. The considerations set out below are meant to give the Board the context that has driven *ENWIN*'s proposal.

**Considerations**

*ENWIN*'s interrogatory responses will primarily be prepared by its Director of Finance. That individual is the internal resource with the necessary understanding of the Board's PILs-related information and models. Currently, the Director of Finance has been dedicated to numerous tasks, including significant support to *ENWIN*'s ongoing Cost of Service Application (EB-2008-0227), preparing year-end financial statements, assisting with the year-end audit, leading internal and participating in Board-led IFRS initiatives, and managing initiatives related to a new Comprehensive ERP system. In the coming weeks, the Director of Finance will also be preparing revised 2009 budgets to reflect the resolution of the Cost of Service Application, conducting employee performance reviews, training on new systems, and organizing tax returns to correspond with year-end results. Moreover, the Director of Finance is a shared service and therefore is dedicated about 50% of the time to work for an affiliate. In short, the first quarter of the year and this year in particular is a very busy time for *ENWIN*'s internal PILs resource.

The other internal resource that will be involved with these responses is the Director of Regulatory Affairs who is the primary Cost of Service resource. While *ENWIN* will be presenting a Proposed Settlement Agreement to the Board on Thursday, February 19, 2009, there are numerous follow-up responsibilities even if the Board accepts the proposal. Those responsibilities include an anticipated written hearing, final submissions, preparing a draft rate order, and overseeing implementation of new rates. The Director of Regulatory Affairs is also involved with Smart Metering implementation, Comprehensive ERP, employee performance reviews, budget revisions, and numerous other regulatory initiatives.

Further, *ENWIN* does not have internal tax expertise and anticipates needing to heavily rely upon tax experts, including its auditors, in formulating many of the interrogatory responses. These external resources (e.g. KPMG, Deloitte) are also extremely busy in the first quarter of the year.

Finally, the Board Staff questions solicit not only *ENWIN*-specific information, but responses to broader policy issues. If *ENWIN* is to develop positions on these issues, it will likely be necessary to consult with the other named LDCs, other LDCs, the EDA, external consultants, and others.

### **Proposal**

*ENWIN* suggests that its interrogatory responses be due no sooner than **April 24, 2009**.

*ENWIN* foresees that this timeframe would allow it to conclude its year-end activities and Cost of Service proceeding, prior to dedicating the equivalent of approximately **3 full weeks** to the PILs proceeding.

While some of the aforementioned first quarter activities will invariably spill-over into April, it is reasonable for *ENWIN* to also dedicate some time to the PILs proceeding amidst its other first quarter obligations. *ENWIN* suggests that this timeframe strikes a reasonable balance between competing financial, regulatory and operational needs.

Yours very truly,

***ENWIN* Utilities Ltd.**

Per:  Andrew J. Sasso

cc (email only): Harold Thiessen, OEB Staff (Case Manager)  
Stewart Davidson, Halton Hills Hydro  
Stephen Perry, PowerStream Barrie Hydro