

AIRD & BERLIS LLP

Barristers and Solicitors

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May 8, 2009

DELIVERED AND VIA EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E5

Dear Ms. Walli:

**Re: PowerStream Inc. 2009 Cost of Service Electricity Distribution Rates
Board File No. EB-2008-0244
Intervenor: Smart Sub-Metering Working Group ("SSMWG")**

I am writing in response to the letter received from PowerStream's counsel on May 1, 2009 attaching several documents and providing further answers to several of the SSMWG's interrogatories. You will recall that PowerStream initially cited the need for confidential treatment in its original refusal to respond to the several interrogatories in question.

As can be seen from the documents attached to Interrogatory #1, PowerStream itself acknowledges that rate making issues such as the appropriateness of rate payer cross-subsidization arise in respect of its suite metering program and that one of the factors leading to its decision to undertake smart sub-metering within the utility rather than through an affiliate is the perceived positive impact it will have on the utility's performance under the 3rd generation incentive regulation regime. These issues are clearly rate related and relevant.

Conspicuous by its absence is the production of any other documents requested by SSMWG Interrogatory #1. For example, the presentation to the Board of Directors marked "Schedule SSMWG 1-1" references a recommendation by the Audit and Finance Committee dated October 23, 2007, but this recommendation has not been produced, nor has PowerStream provided a non-confidential description of this document for the purposes of claiming confidential treatment as required under the Board's Rules and the Practice Direction on Confidential Filings. It would be surprising that the presentation to the Board of Directors was not based upon certain assumptions, forecasts and a financial analysis. None of this has been produced either.

Accordingly, the SSMWG respectfully requests that PowerStream either respond completely to its Interrogatory #1 by providing copies of all of the documentation requested or, if it seeks confidential treatment of any such documents, to comply with clause 5.1.4 of the Practice Direction.

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Yours very truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to be "Dennis M. O'Leary", written over the typed name and extending upwards into the "Yours very truly," line.

Dennis M. O'Leary

DMO/jo

cc: The Applicant (via email)
Intervenors (via email)

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