



## FRASER MILNER CASGRAIN LLP

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### VIA E-MAIL

May 11, 2009

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, ON  
M4P 1E4

Dear Ms. Walli:

**Re: PowerStream Inc.;**  
**Ontario Energy Board File No. EB-2008-0244**

We are writing on behalf of PowerStream Inc. ("PowerStream") and in response to a letter from Mr. O'Leary, counsel to the Smart Sub-Metering Working Group ("SSMWG"), dated May 8, 2009.

In his letter, Mr. O'Leary alleges that PowerStream has not responded fully to SSMWG 1 because PowerStream has not provided a copy of the recommendation by its Audit and Finance Committee, dated October 23, 2007, which recommendation is referenced in Schedule SSMWG 1-1. He also alleges that PowerStream is, in effect, withholding other relevant information that should properly be provided in response to SSMWG 1.

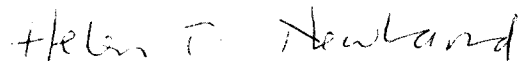
Schedule SSMWG 1-1 comprises the business case that underpinned the decision of PowerStream's Audit & Finance Committee and ultimately, its Board of Directors, to pursue sub-metering opportunities within PowerStream's service territory. No other written materials of any sort were presented to PowerStream's Board of Directors on this issue.

Intervenors are entitled to interrogate the evidence that PowerStream has filed in support of its request to include certain costs related to its suite-metering program in the revenue requirement that is ultimately approved by the Board. Intervenors are not entitled to use the regulatory process to engage in "fishing expeditions" in order to gain access to information that is not relevant for rate-making purposes.

PowerStream has provided SSMWG with detailed information related to its suite-metering program, including the cost of this program, in its responses to SSMWG 2 through 13. In response to SSMWG 1, PowerStream has also provided a copy of the business case that underpinned its decision to engage in suite-metering, notwithstanding the fact that it disputes the relevance of this document in this proceeding. It did so in order to avoid further procedural wrangling.

While various business scenarios may have been identified, analyzed and subsequently discarded as part of PowerStream's decision-making process, the business case provided to SSMWG is the one that underpinned its ultimate decision. PowerStream is not prepared to comb its historic files looking for unspecified documents that may or may not exist and which have no relevance in this proceeding. Accordingly, PowerStream requests that the Board deny SSMWG's request that is set out in its letter of May 8, 2009.

Yours very truly,



HTN/ko

cc: Interested Parties EB-2008-0244