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BY EMAIL

August 10, 2009
Our File No. 2090527

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0174 – OPG Payment Amounts

We are counsel for the School Energy Coalition in this matter. We have had an opportunity to review the submissions of Mr. Thompson on behalf of CME with respect to the relevance of certain information requested by them in interrogatories. We believe those submissions are well-founded.

In our submission, this Board established payment amounts last year in a complex and difficult proceeding, with numerous restrictions in scope established by regulation. Those payment amounts were calculated and ordered on the assumption that they would end on December 31, 2009. The Applicant now wishes to apply those payment amounts to a period for which they were not calculated by this Board, on the assumption that they will continue to be just and reasonable during that period. They also wish to continue a number of other components of the last decision during that period, many of which are intended to reduce the risks of the Applicant.

This Board is not in a position, in our view, to assess whether continuation of the current payment amounts, with all of the built-in protections surrounding them, into a period to which they were not intended to relate, is fair to both the Applicant and the ratepayers without the information requested by CME in their interrogatory.

It is further submitted that, until the information requested by CME is provided, the Board should suspend the current schedule for final submissions, and make a determination with respect to further

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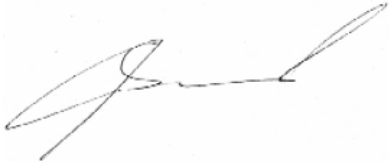


discovery, if any, (consistent with the Board's letter of July 15, 2009) when the additional information is provided. The information in response to CME IR#1 may end up answering any questions that may arise about the fairness of continuing existing rates and protections, or some material questions may remain unanswered, and a Technical Conference or other discovery mechanism may be required. This cannot be known until that answer is provided.

All of which is respectfully submitted.

Yours very truly,

SHIBLEY RIGHTON LLP

A handwritten signature in black ink, appearing to read "Jay Shepherd", written over a light gray rectangular background.

Jay Shepherd

cc: Bob Williams, SEC (email)
Wayne McNally, SEC (email)
Interested Parties (email)