

September 15, 2009

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
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Toronto, Ontario M4P 1E4
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Dear Ms. Walli:

**Re: Pollution Probe – Submissions on Issues List and Schedule
EB-2009-0096 – Hydro One – 2010-11 Distribution Rates**

Further to Procedural Order No. 1, we are writing to provide Pollution Probe's submissions regarding the Issues List and schedule for this matter.

In short, Pollution Probe does not object to the proposed Issues List, and Pollution Probe also submits that an oral hearing should be held for the issues that Pollution Probe intends to focus on during this hearing (i.e. the Green Energy Plan and distribution line losses). However, Pollution Probe has concerns about the schedule given the lack of clarity regarding whether the CDM component of the Green Energy Plan will be approved as part of this proceeding.

Specifically, according to Exhibit A, Tab 14, Schedule 2, page 26, Hydro One's evidence states that it "is aiming to develop an initial CDM portfolio by the end of 2009 which will likely contain a mix of the current OPA core programs and new program offerings" (i.e. after the key steps in the proposed schedule are completed). However, it is not clear whether Hydro One is seeking Board approval for CDM as part of this proceeding.

Pollution Probe respectfully requests clarity on this point. Further, if Hydro One is seeking Board approval for CDM as part of this proceeding, Pollution Probe submits that changes to the schedule are required as CDM should be subject to the same review process as other issues in this proceeding. Accordingly, an appropriate opportunity for written CDM interrogatories would need to be introduced, and the proceeding's settlement conference and hearing would need to be scheduled after responses to the CDM interrogatories have been received.

We trust these submissions are of assistance, and please do not hesitate to contact the undersigned if you wish to discuss these matters further.

Yours truly,

A handwritten signature in blue ink, appearing to read 'B. Alexander', with a long horizontal flourish extending to the right.

Basil Alexander

BA/ba

cc: Applicant and Intervenors per Procedural Order No. 1, Appendix A