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Please Reply to the TORONTO OFFICE

BY EMAIL

October 16, 2009
Our File No. 2090661

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0271 – Oakville 2010 Rates

We are counsel for the School Energy Coalition in this proceeding.

We have had a chance to review the confidential document filed by the Applicant. In general, it would appear to us that they have tried to limit the confidential components of the document to a narrow category, i.e. actual prices. This is, in our view, the best approach given the nature of the confidentiality claim in this case, and the Board's often-stated policy to have as much information as possible on the public record.

That having been said, we believe that additional explanation is required as to two aspects of this confidentiality claim:

1. Several of the price lists on which confidentiality is claimed are for prior years, and have been supplanted by a more up to date list. We are unsure why old price lists, which do not include any formulae or narrative, would disclose anything that is commercially sensitive. They are, by definition, out of date.
2. For the current price list, if this is market based then we would assume that there is market information already available, so no competitive advantage is lost. If it is cost-based, presumably those ARC-driven rates would not be relevant for competitive purposes. Is the Applicant's concern that it has or is seeking contracts with third parties in the competitive market at higher prices, and disclosure of this information would cause those third parties to seek lower prices? Or, is the Applicant's concern that it has or is seeking contracts with third

parties in the competitive market at lower prices, in which case the ratepayers might be concerned? If price differentials are at the root of this confidentiality claim, we believe the Board should have more specific information on the other prices charged by the affiliate to third parties. That would not only allow the confidentiality claim to be assessed, but also assist with the Board's determination of the substantive issues.

In our view, it would be of assistance to the Board if the Applicant could address these two points in their reply submissions on confidentiality. If the Applicant seeks to respond as requested to point #2 above, we believe it would be appropriate for that response to, at least initially, be filed in confidence.

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)