



SHIBLEY RIGHTON LLP  
*Barristers and Solicitors*

Jay Shepherd  
Direct Line (416) 214-5224  
Direct Fax (416) 214-5424  
jay.shepherd@shibleyrighton.com

TORONTO OFFICE:  
250 University Avenue, Suite 700, Toronto, Ontario, M5H 3E5  
Main 416 214-5200 Toll free 1-877-214-5200  
Facsimile 416 214-5400

WINDSOR OFFICE:  
2510 Ouellette Avenue, Windsor, Ontario, N8X 1L4  
Main 519 969-9844 Toll free 1-866-522-7988  
Facsimile 519 969-8045

www.shibleyrighton.com

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**BY EMAIL**

October 19, 2009  
Our File No. 2090582

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2009-0161 – Electricity RRR Amendments**

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

We have reviewed the Notice of Proposed Amendment to a Rule dated September 21, 2009 in the above matter, and in general we believe the proposed changes are a significant step forward in the reporting and record keeping rules of the Board applicable to electricity. They continue the Board's approach of increasing transparency, adding important data that will improve the Board's ability to regulate, particularly with respect to distributors. The changes will also increase the information available for benchmarking, both in a formal sense, and in the sense of comparisons by the management and boards of directors of distributors of their own performance against that of other comparable utilities.

With that background, we have the following comments:

1. Section E of the Board's letter proposes that the effective date of the changes is January 1, 2010, but because of the limitation to fiscal periods commencing on or after that date, the actual impact will be delayed. We believe it would be better to keep that effective date, but make the changes applicable to all filings on or after that date, regardless of the period to which they relate. It may be appropriate to except from this rule information that is not currently being gathered by utilities (e.g. MAIFI).

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2. The changes to the list of confidential filings add some new information, but make a number of additional categories public. This is not only valuable for ratepayer groups and other intervenors, but the utilities can also access this newly public information to assess how they are doing in their own performance. We would expect, for example, that some boards of directors of distributors may start to require comparative reporting of specific metrics to the board, since that will make supervision of management simpler and more effective.
3. In new section 2.1.5.1(g), the term “new construction” is used. We believe it would be appropriate to clarify by way of definition what this is intended to include, and how this information differs from similar categories in 2.1.5.2.
4. Section 2.1.5.6 is a particularly welcome addition. We suggest it would be useful for the Board to establish a standard format for this reporting based on the standard four regulatory schedules used for years by gas utilities to calculate ROE and sufficiency/deficiency.

All of which is respectfully submitted.

Yours very truly,

**SHIBLEY RIGHTON LLP**

A handwritten signature in black ink, appearing to read "Jay Shepherd", written in a cursive style.

Jay Shepherd

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