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BY EMAIL and RESS

October 26, 2009
Our File No. 2090444

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0139 – Toronto Hydro 2010 Rates


We are counsel for the School Energy Coalition. We have reviewed the comments of VECC and BOMA with respect to the Draft Issues List, and we concur.

We are particularly concerned that the impact of the Streetlighting and Z Factor applications be fully reviewed in this proceeding, and that the Issues List not be construed in any manner that would narrow the scope of that review. Our initial look at the current application suggests that a significant proportion of the rate increase arises out of issues related to the secondary system, the subject of those two applications.

It is not our current expectation that we would file evidence, but it is usually only possible to make a decision on that once interrogatory responses have been received. In most cases it is more efficient to get necessary evidence on the record through queries of the applicant rather than through new evidence. Similarly, it is in our view premature to allocate issues to written or oral hearing components. Once all of the documentary evidence has been filed, and the discussions at the settlement conference have identified the matters on which there are the most substantial disputes, a meaningful recommendation on procedure can be made to the Board, hopefully jointly from all of the parties.

All of which is respectfully submitted.

Yours very truly,
SHIBLEY RIGHTON LLP



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested parties (email)

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LAW

