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Please Reply to the TORONTO OFFICE

BY EMAIL and RESS

October 26, 2009
Our File No. 2090461

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0096 – Hydro One 2010 Rates

We are counsel for the School Energy Coalition. We have reviewed the letter from Hydro One dated today's date relating to scheduling, and wish to provide our comments.

We expect to file the evidence of Dr. C. K. Woo, of E3 Consulting, this Thursday. The evidence relates to the Elenchus Report, and to methodologies for the development of rural vs. urban rates within the Hydro One franchise area, all in response to the Board's directions on this issue in the EB-2007-0681 proceeding.

While we would also like to keep the process going as quickly as possible, we have a concern about Dr. Woo's schedule. He will be in Hong Kong from November 6th to 22nd inclusive, so receipt of interrogatories on either November 5th or November 9th would be problematic. We have canvassed with him whether he can find time while travelling to respond to IRs, but he is unable to do so on this trip.

We therefore would ask the Board to consider Hydro One's alternate schedule, starting the hearing early in January. If that schedule is suitable to the Board, it would allow IRs on Dr. Woo's evidence on November 23, and responses by November 30. Then the settlement process could take place in December, with the hearing starting the first week of January.

GREAT LAKES
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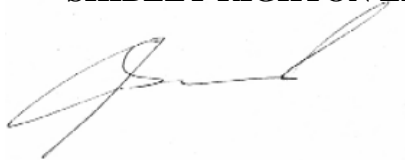
Another alternative is to adopt the November 23/30 dates, but have the settlement process go ahead for all other issues in November as Hydro One has proposed. The hearing could commence on December 7 or 8, and in the week prior to the hearing the parties could separately discuss whether the urban/rural rate issue can be settled. While this would involve a busy first week of December, it would allow the proceeding to move forward on an earlier schedule.

While these suggestions are all, of course, subject to the Board's tight schedule, we would ask that consideration be given to one of the above alternatives.

All of which is respectfully submitted.

Yours very truly,

SHIBLEY RIGHTON LLP

A handwritten signature in dark ink, appearing to read 'Jay Shepherd', is written over a light gray rectangular background.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Bob Williams, SEC (email)
C.K. Woo, E3 (email)
Interested parties (email)