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November 16, 2009

BY EMAIL & COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

Board File No. EB-2009-0193
Enersource Hydro Mississauga Inc. – 2010 Rates Adjustment
Argument of Energy Probe

Pursuant to the Notice of Application and Written Hearing, issued by the Board on July 21, 2009, please find attached two hard copies of the Argument of Energy Probe Research Foundation (Energy Probe) in the EB-2009-0193 proceeding for the Board's consideration. An electronic version of this communication will be forwarded in PDF format.

Should you require additional information, please do not hesitate to contact me.

Yours truly,

David S. MacIntosh
Case Manager

cc: Gia M. DeJulio, Enersource Hydro Mississauga Inc. (By email)
George Vegh, McCarthy Tétrault LLP (By email)
Peter T. Faye, Energy Probe Counsel (By email)
Intervenors of Record (By email)

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IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by
Enersource Hydro Mississauga Inc. for an Order or Orders
approving just and reasonable rates and other service
charges for the distribution of electricity, effective January
1, 2010.

**ENERGY PROBE RESEARCH FOUNDATION
("ENERGY PROBE")**

ARGUMENT

November 16, 2009

**Final Argument On Behalf Of
Energy Probe Research Foundation**

How these Matters came before the Board

1. On July 7, 2009, Enersource Hydro Mississauga Inc. (the Applicant or Enersource Hydro), filed an Application seeking approval for changes to the rates that it charges for electricity distribution, to be effective January 1, 2010. The application was filed under the Board's guidelines for 3rd Generation Incentive Regulation, which provides for a mechanistic and formulaic adjustment to rates between cost of service applications.
2. The Board issued a Notice of Application and Written Hearing on July 21, 2009. Energy Probe filed a Notice of Intervention on August 17, 2009, as a full time intervenor.
3. Energy Probe filed Interrogatories on September 1, 2009, and the Applicant filed Interrogatory Responses on September 22, 2009. There was no oral component to this proceeding.

Argument Overview

4. Energy Probe has conducted itself as an all issues intervenor throughout this proceeding.
5. In its Argument, Energy Probe will not seek to explore all outstanding Issues before the Board, but will restrict its comments to Enersource Hydro's requests for rates to be effective January 1, 2010 rather than May 1, 2010.

Enersource Hydro's Request for a January 1, 2010 Effective Date

6. In its previous rate application, EB-2008-0171, the Applicant made a request to have its rates declared final from May 1, 2009 to December 31, 2009 but those rates to be declared interim from January 1, 2010 to April 30, 2010.

7. In that proceeding, Enersource Hydro informed the Board that it intended to file a future application with a request to align its rate year and its fiscal year. In its Decision and Order on the EB-2008-0171 proceeding, issued March 16, 2009, that interim rate request was denied.

8. As Energy Probe is filing one business day past the date set by the Notice of Application, it wishes to inform the Board that it had the opportunity to review the submissions of both the School Energy Coalition (SEC) and the Vulnerable Energy Consumers Coalition (VECC), filed on November 13, 2009.

9. Although their analysis of the merits of the Applicant's request for a January 1, 2010 Effective Date differ in argument, their conclusions are in agreement. Energy Probe supports their submissions.

10. Enersource Hydro has not demonstrated a need for a change to its effective date. The responses given by the Applicant to the Interrogatories posed by Energy Probe and other Intervenors did not demonstrate that there was a problem requiring a change from the May 1st effective date currently part of the Board's incentive regulation regime.

11. Finally, Energy Probe submits that should the Board not be persuaded by the arguments referred to above, it appears to Energy Probe that the solution would be a generic review.

COSTS

12. Energy Probe submits that it participated responsibly in this proceeding. Energy Probe requests the Board award 100% of its reasonably incurred costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

November 16, 2009

Energy Probe Research Foundation