

November 16, 2009

**RESS & EMAIL**

Ontario Energy Board  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Canadian Niagara Power Inc. - Application for Leave to Construct  
Transmission Facilities in the Niagara Falls / Fort Erie Area - Board File  
Number EB-2009-0283**

We are counsel to the applicant, Canadian Niagara Power Inc. ("CNP"), in the above-noted proceeding. On November 13, the Board issued a letter indicating that Board Staff was proposing additional evidentiary steps in this proceeding, along with resulting changes to the timelines and steps set out in Procedural Order No. 1. On behalf of the applicant, we offer the following comments.

**1. The Scope of Supplemental Interrogatories Should be Limited**

The November 13 letter refers to a November 12 letter from Board Staff to the Board, in which Board Staff indicates the broad subject areas in respect of which Board Staff proposes to ask supplemental interrogatory questions. These broad subject areas reflect areas of inquiry already addressed at length through the initial round of interrogatories. CNP believes that it has fully addressed the issues raised in the areas of inquiry by way of the Initial Interrogatories and, as such, that the record is complete. However, if the Board chooses to permit a supplemental interrogatory process, the supplemental interrogatories should be restricted to questions that (a) follow-up on questions asked in the initial round of interrogatories, and (b) are specific and narrow in scope, as opposed to being of an open-ended nature. Limiting the scope of the supplemental interrogatories in this manner would be consistent with the relatively short timeframe for preparing and filing supplemental interrogatory responses that has been proposed by Board Staff, as well as with the nature of supplemental interrogatories. Moreover, because any supplemental interrogatories would be in respect of CNP's evidence, should Board Staff wish to seek information from other parties to this proceeding, CNP submits that such supplemental interrogatories be directed to CNP for coordination with those parties.

## 2. The Proposed Schedule Should be Shortened

Based on the proposed schedule, the applicant does not anticipate requiring until December 7 to file submissions. As the applicant has already filed lengthy submissions in this proceeding, it is expected that any such further submissions it makes would be narrowly focused on any issues that may arise from the supplemental interrogatory process. As such, the applicant proposes the following variations to the proposed schedule:

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|---|-------------------|
| • Filing of interrogatories:                  | November 23, 2009 |
| • Responses to interrogatories:               | December 2, 2009  |
| • Submissions by CNP:                         | December 2, 2009  |
| • Submissions by Intervenors and Board Staff: | December 9, 2009  |
| • Reply Submission by CNP:                    | December 16, 2009 |

Yours truly,



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cc: R. Caputo, Board Staff  
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