



## THE BOARD OF DIRECTORS

*Chair*, GAIL REGAN  
President, Cara Holdings Ltd

*President*, PATRICIA ADAMS  
MAX ALLEN  
Producer, IDEAS, CBC Radio  
GEORGE CONNELL  
President Emeritus, University of Toronto  
ANDREW COYNE  
Journalist  
IAN GRAY  
President, St. Lawrence Starch Co

*Secretary/Treasurer*, ANNETTA TURNER  
DAVID NOWLAN  
Professor Emeritus, Economics, University of Toronto  
CLIFFORD ORWIN  
Professor of Political Science, University of Toronto  
ANDREW ROMAN  
Barrister & Solicitor, Miller Thomson  
MARGARET WENTE  
Columnist, Globe and Mail

December 30, 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-2009-0405 – Enersource Hydro Mississauga Inc.  
Application for Disposal of Group 1 Deferral and Variance Accounts  
Submissions of Energy Probe**

Pursuant to Procedural Order No. 1, issued by the Board on December 21, 2009, please find attached two hard copies of the Submissions of Energy Probe Research Foundation (Energy Probe) in the EB-2009-0405 proceeding for the Board's consideration. An electronic version of this communication will be forwarded in PDF format.

Energy Probe apologizes to the Board for filing its Submissions beyond the date set in Procedural Order No. 1 and trusts that the Applicant will not be unduly inconvenienced.

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)  
Intervenors of Record (By email)

**Energy Probe Research Foundation** 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: [EnergyProbe@nextcity.com](mailto:EnergyProbe@nextcity.com) Internet: [www.EnergyProbe.org](http://www.EnergyProbe.org)

**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 for the distribution of  
electricity, effective February 1, 2010 by way of clearance  
of certain deferral and variance accounts.

---

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

**SUBMISSIONS**

**December 30, 2009**

---

**Submissions On Behalf Of**  
**Energy Probe Research Foundation**

**How these Matters came before the Board**

1. On November 27, 2009, Enersource Hydro Mississauga Inc. (the Applicant or Enersource Hydro), filed an Application seeking approval for the disposition and clearance of Group 1 deferral and variance accounts as of December 31, 2009 and Account 1588 Global Adjustment as of September 30, 2009, resulting in changes to the rates that it charges for electricity distribution, to be effective February 1, 2010.
2. The application was filed under the Board's guidelines for the Electricity Distributors' Deferral and Variance Accounts Review Initiative (EDDVAR Report), issued by the Board on July 31, 2009.
3. On December 21, 2009, Procedural Order No. 1 was issued by the Board, providing Parties with the opportunity to make comments on the Enersource Hydro Application by December 24, 2009.
4. In addition to reviewing the evidence filed by the Applicant, Energy Probe has had the opportunity to review, and be assisted by, both the submissions of Board staff and the submissions of the School Energy Coalition (SEC) filed on December 24, 2009.

## **Enersource Hydro's Request for Disposition of Group 1 Accounts**

5. In its application, the Applicant has made a request to have the Board approve the disposition of the Global Adjustment Account 1588 as of September 30, 2009, utilizing the streamlined written procedure provided for by the EDDVAR Report.

6. Further, the Applicant has requested the Board to approve other Group 1 deferral and variance accounts in the same proceeding.

7. It is the understanding of Energy Probe that Enersource Hydro may have failed to meet the threshold test required by the EDDVAR Report for the streamlined written procedure to be utilized. That is, the Applicant has not met or exceeded the disposition threshold qualification (exceptional case) for two consecutive quarters, and possibly not even for one quarter.

8. The Board would be acting within the process outlined in the EDDVAR Report should it decide to decline the relief sought by the Applicant. And since the disposition threshold has not been met, there would be no basis for proceeding with the disposition of the other Group 1 deferral and variance accounts, which would be normally dealt with as part of the annual IRM application procedure.

9. Energy Probe, however, is not requesting that the Board decline in all respects the relief sought by Enersource Hydro.

10. It seems clear that the Applicant is suffering cash flow pressures and it is in the interest of ratepayers that a solution to this problem be found. Energy Probe submits that the proposals put forth by the SEC in its December 24, 2009 filing will provide a reasonable resolution. Energy Probe adopts them and supports them.

## **COSTS**

**11. 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**

**December 30, 2009**

**Energy Probe Research Foundation**