

January 27, 2010

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Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

Re: EB-2008-0230

We are counsel to the Consumers Council of Canada ("CCC"). We have now been provided with a copy of the "Intervenor Cost Submission Comments" ("Comments") of Greater Sudbury Hydro Inc. ("Sudbury"), sent to you on January 22, 2010. This letter is our client's response to those comments.

Sudbury asserts, albeit indirectly, that the CCC's cost claim is too high based on the physical evidence of its work. Sudbury bases this assertion on the use of a metric it describes as "work load measurements".

The problem with the use of these "workload measurements" is that they do not reflect the reality of the work involved in a responsible intervention. In addition, they penalize efficiency and cooperation among intervenors.

Sudbury's application was, on the surface, significant to the CCC, for two reasons. First, it was the first cost of service application by this utility. It was important, to residential consumers, that the base upon which rates would be determined in subsequent years be properly set. The second was that the application contemplated a material increase in the rates to be paid by residential consumers.

However, while the application, on its face, was important, the nature and extent of the CCC's involvement had to be determined by a review of, first, the prefled evidence. The expenditure of a certain base number of hours, in the review of the pre-filed evidence was, thus, unavoidable. Based on that review, on a review of Board staff's interrogatories, and on discussions with other intervenors, the CCC determined that it did not need to deliver a substantial number of written interrogatories. Other intervenors were going to cover off, in their interrogatories, the issues which the CCC had identified in its review of the pre-filed evidence.

The CCC could have asked more written interrogatories, but that would have been duplicative. To criticize the CCC, simply because it filed fewer interrogatories than others did is, in effect, to criticize it for cooperation and the resulting efficiency.

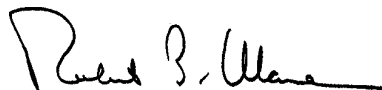
The second step in determining the nature and extent of the CCC's involvement in the application was the review of responses to written interrogatories. That review, again, is essential, and the hours spent on it simply cannot be avoided. Based on that review of the interrogatory responses, and, again on discussions with intervenors, the CCC determined that it could limit, to some degree, the length of its written argument. Again, to criticize the CCC because it spent fewer hours on its written argument is to penalize it for cooperation and, therefore, for efficiency.

It was apparent to the CCC, based on its discussions with the representatives of the Vulnerable Energy Consumers Coalition and the School Energy Coalition, that other intervenors would be taking the lead on certain issues. Because of that, the number of hours which the CCC had to spend on the application was reduced. That resulted in the CCC spending fewer hours, and having a lower cost claim, than the other intervenors. That does not mean that either the CCC, or the other intervenors, should be penalized. On the contrary, cooperation among intervenors, and resulting efficiencies, should be encouraged by the Board.

We ask that the Board grant CCC's cost claim as requested.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Greater Sudbury Hydro Inc.
Julie Girvan
Jay Shepherd
Michael Buonaguro

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