



Jay Shepherd

Professional Corporation
120 Eglinton Avenue East
Suite 500
Toronto, Ontario M4P 1E2

BY EMAIL and RESS

May 18, 2010
Our File No. 2010039

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0274 – Whitby 2010 Rates

We are counsel for the School Energy Coalition. Pursuant to PO #2 in this proceeding, this letter constitutes the procedural submissions of the School Energy Coalition.

We have reviewed the responses to the first round of interrogatories in some detail, and we have identified significant areas of the Application in which further information will be of assistance to the Board. Much of that revolves around the arrangements between the regulated utility and its affiliates, including the outsourcing of many utility functions, but there are a number of other areas as well. We anticipate that we will have 15-30 questions arising out of the answers in the first round. Therefore, we believe that a second round of discovery would be useful.

As to whether the second round should be in the form of written answers, and whether a Technical Conference should also be convened, we note the comments of the Applicant with respect to communications between the parties. We think the suggestion that others have made that second round interrogatories be filed, and then the parties talk informally about how to deal with them, is quite a good one. To facilitate that, we propose that the Board order a second round of interrogatories, followed by a Technical Conference, with the understanding

that the parties may through discussions between them be able to combine the two steps for some of the second round IRs.

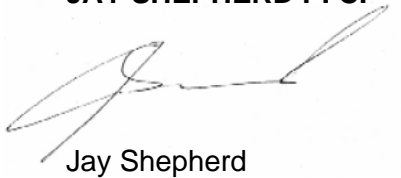
Based on the issues we have identified in this Application, we believe that significant components of this proceeding can be settled, and so we support the scheduling of a Settlement Conference.

As with other parties, we believe that the determination of whether a written or oral hearing is appropriate depends on what issues remain unsettled. For example, if the issues relating to transfer pricing or other outsourcing-related matters remain to be dealt with, it is likely that an oral hearing will assist the Board in understanding those issues better. There may be other issues unsettled that would not need oral evidence.

We hope these comments are of assistance to the Board.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.


Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested parties (email)