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BY EMAIL

July 1, 2010
Our File No. 2010008

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2010-0008 – OPG Payment Amounts

We are counsel for the School Energy Coalition. We have reviewed the correspondence dated June 30, 2010 from the Applicant, and we share their concerns with respect to the schedule for this proceeding.

With respect to the materials on which confidentiality is being requested, we agree with the Applicant that pushing back the submissions and reply by a week is realistic in light of the volume of material and the fact that the redactions will not be marked. In the latter case, this just means that each party will have to identify, by side-by-side comparison with the redacted document, each of the redactions, in order to make submissions on their appropriateness. As OPG correctly notes, on more than a thousand pages of materials doing that will take a little time.

A secondary implication of the delay in submissions on confidentiality is that the Board's decision on that issue may not be in time for the deadline for filing interrogatories, or may be too close to that deadline for intervenors to reflect it in their filing. The Board may wish to consider stipulating now that interrogatories that refer to the material on which confidential treatment is requested be filed separately, and presumptively treated as confidential pending the Board's decision. This is probably the simplest solution. Alternatively, the Board could extend the deadline for filing interrogatories on that material until a week after the Board rules on confidentiality.

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We also agree that a short extension of OPG's time to reply to issues list submissions is appropriate. However, again that creates an issue with the deadline for filing interrogatories. Since the approved issues list would be, in the OPG's proposed scenario, likely on July 23rd or 26th, intervenors will have a very short time to prepare interrogatories. Because interrogatories must refer to both the evidence and the relevant issue on the issues list (where there is one), it is difficult to draft them before the issues list has been finalized. Preliminary work can be done, but the actual formulation of the questions usually is best done in the context of the approved issues list.

The Board therefore may wish to consider extending the deadline for filing interrogatories by a similar time period as the delay proposed by OPG in finalizing the issues list, but we recognize that would have consequential changes in subsequent dates.

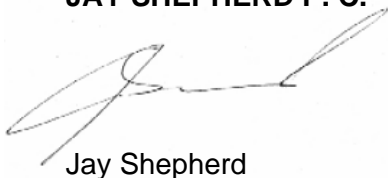
In addition to the two specific scheduling matters raised by OPG, we are concerned with two others. The time period for responding to interrogatories, two weeks, which includes a holiday, appears tight to us given the extensive number of interrogatories that may be asked in this proceeding. Further, the short time between those responses and the Technical Conference may also be quite challenging, particularly if the responses contain a substantial amount of material, as they may. It certainly implies that OPG will not have any Technical Conference questions in advance, a Board practice that has often proved efficient in the past. Even without that component, a week to prepare for a Technical Conference covering what may be several binders of material looks very difficult.

We appreciate that the Board is seeking to keep the process to a brisk schedule, which we agree is an appropriate goal, but we are concerned that some of the time frames in the current schedule may be too difficult to achieve while keeping the quality of the record high.

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)