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BY EMAIL and RESS

September 16, 2010

Ms. Kirsten Walli, Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

### **Re: EB-2009-0269 – Newmarket Tay Power: Issues List**

We are writing in response to the submissions made by VECC and SEC on the draft issues list in the above-referenced proceeding (the "Proceeding"). The draft issues list proposed by the Applicant includes issues that are common to small and mid-sized distributors. The purpose of the draft issues list was not to restrict the scope of the proceeding. We believe that all issues relevant to the Applicant's cost of service rate application are addressed by the draft issues list. For example, although the draft issues list does not include a specific issue related to the effective date for rates as proposed by the SEC, we believe that that issue would fall within the proposed issue "Is the Applicant's proposed Tariff of Rates and Charges appropriate?", since any tariff sheet would include the effective date.

The SEC's proposed changes to the draft issues list incorporate issues from the Hydro One Networks Inc. issues list (EB-2009-0096) that SEC describes as "standard issues". We note that the Board adopted a more detailed approach for Hydro One because its application was large and complex, as stated by the Board in its September 25, 2009 Procedural Order No. 2 in that proceeding:

"The Board is of the view that a more detailed issues list than that submitted by Hydro One is appropriate for reviewing a large and complex rates application such as this one."

The issues used in the Hydro One proceeding should not be accepted as standard for all rate applications. Newmarket Tay Power's application is relatively short and simple compared to Hydro One's application. As such, we submit that the detailed approach adopted by the Board in Hydro One's proceeding, and as proposed by SEC, is inappropriate for this proceeding. We believe that the changes proposed by VECC are reasonable, and will allow the parties to canvass all the issues relevant to Newmarket Tay Power's application.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Taylor". The signature is fluid and cursive, with the first name "Andrew" being more prominent than the last name "Taylor".

Andrew Taylor