



By E-mail

October 3, 2010

Kirsten Walli
Board Secretary
Ontario Energy Board
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Dear Ms. Walli

Hydro One Networks Inc. (“Hydro One”)
2011-2012 Transmission Rate Case
CME Production Motion Returnable October 4, 2010
Board File No.: EB-2010-0002
Our File No.: 339583-000057

As counsel for CME, we are writing to notify the Board that we are withdrawing our request for a Board Order requiring Board Staff to produce the Total Bill Impact (“TBI”) analysis described in Exhibit K6.2.

Upon further reflection, we have concluded that it is procedurally inappropriate for an Intervenor, such as CME, to be asking the Board to make a Production Order against its own Staff, even though, in our view, the subject matter of the production request we are withdrawing is relevant and admissible in this proceeding. For reasons that follow, we suggest that any determination pertaining to the disclosure of Board Staff’s TBI analysis should be made by the Board, on its own motion, rather than in response to a request from an Intervenor such as CME. [emphasis added]

Out of an abundance of caution, we are treating this letter as confidential even though we believe that the letter should form part of the public record. We are writing to the Board’s Secretary in order to assure that this letter is distributed to the members of the Board Panel hearing this case. We hereby request that this letter be held in confidence until the Board Hearing Panel determines whether it can form part of the public record.

We question the Board’s Decision, described in Exhibit K6.2 to refrain from publicly releasing Board Staff’s TBI analysis raised when public concern with rapidly increasing electricity prices is at an all-time high. We respectfully suggest that consumers are entitled to see this type of information in that the Board is responsible for the protection of consumer interests. We believe that consumer confidence in the Board will be materially compromised if its Staff’s TBI analysis, prepared for market monitoring purposes, continues to be withheld from those representing consumer interests such as CME. Consumers need timely disclosure of this type of information for their own planning purposes.

However, notwithstanding these concerns, we have concluded, as noted above, that CME should not be asking the Board to make a Production Order against its own Staff and CME withdraws its motion for production of the document.

We do, however, respectfully suggest that the circumstances pertaining to this particular document, including the requests for its public release recently made in the Ontario Legislature, should prompt the Board to consider the matter of disclosure on its own motion. We sincerely believe that the public interest will be better served by publicly releasing the analysis now rather than continuing to hold it in secrecy. However, that is a matter for the Board to determine on its own motion rather than on a motion brought by Intervenors such as CME.

If the Board decides to consider the issue on its own motion, and wishes to hear submissions from parties in these proceedings with respect to the matter, then we will be pleased to make submissions in support of public disclosure. The submissions that we will make, if asked, are outlined in the Points of Argument we circulated in confidence on Friday, October 1, 2010. Otherwise, we will make no submissions if the Board declines to consider the matter on its own motion.

Please contact Mr. DeRose if there are any questions about the contents of this letter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Peter C.P. Thompson', followed by a long horizontal flourish.

Peter C.P. Thompson, Q.C.
PCT/kt

c. Vince DeRose (BLG)

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