

13 December 2010

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
By e-mail and RESS

Dear Ms Walli:

Re: EB-2010-0332 & 0331 HONI & HONI-Brampton, 2011-2014 Board Approved CDM Programs – GEC Comment of the need for an oral hearing

In the Notice of Hearing for this matter the Board has invited comment on the choice of hearing format. We apologize for our late response to that request which is due to the fact that we found it necessary to obtain expert advice before commenting.

GEC anticipates two related major issues with HONI's approach to CDM in this application. First, its targeting of results is equal to and no greater than the minimum goal it has been assigned. Second is our concern that the suite of programs and program designs that it proposes are unlikely to even achieve the stated goal.

The difficulty we find ourselves in is that a proper analysis and helpful intervention on these matters will require us to file written evidence that examines both the HONI-specific programs and the OPA designed or coordinated programs as it is the sum of these efforts that will determine the adequacy HONI's CDM efforts. At this time, prior to an issues day determination in this case and in the current OPA payments case, it is unclear to what extent and in which hearing the Board would want to deal with these issues. The first concern, at the level of policy choice, would appear to be largely HONI-specific and appropriate for consideration herein but it is difficult to envisage how such a matter could be dealt with in the absence of a consideration of the factual underpinning which requires a view of the entire suite of programs. We simply cannot know whether HONI's specific programs are adequate to meet the goal without testing the extent to which OPA's province-wide programs will contribute to that goal. The second concern is not HONI-specific but the Board's ability to enforce the CDM Directive goals would appear to require the Board to utilize its jurisdiction over the LDC's, suggesting that its consideration herein is required. The obvious difficulty is that it would be desirable to avoid reviewing the adequacy of the OPA programs in each LDC application.

Accordingly, we suggest that the Board may wish to defer a decision on hearing format until after the issues determination in both proceedings and possibly after a determination of how the two processes will be sequenced and coordinated. For example, should HONI be directed to call OPA as a witness? Should the HONI application be dealt with after the OPA proceeding?

Alternatively, if the Board wishes to make its determination at this time, we would suggest that an oral hearing be chosen as it will allow for a fuller assessment of the evidence. Should the issues scoping process suggest that a more constrained consideration is to occur, the Board could elect at that time to move to a written process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Poch". The signature is fluid and cursive, with the first name "David" and the last name "Poch" clearly distinguishable.

David Poch

Cc: All parties

