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File No. 01009188-0006

Toronto, January 19, 2011

BY EMAIL AND COURIER

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

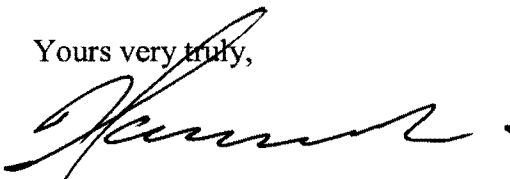
Dear Ms. Walli:

**RE : In the Matter of a Proceeding Initiated by the Ontario Energy Board pursuant to a Notice of Proceeding dated October 29, 2010 – Submissions of the Electricity Distributors Association in Response to the School Energy Coalition Motion Regarding Interrogatories
Ontario Energy Board File No: EB-2010-0295**

We are the solicitors for the Electricity Distributors Association (the “EDA”).

Please find enclosed the Submissions of the EDA in response to the School Energy Coalition Motion Regarding Interrogatories.

Yours very truly,



Alan Mark

AM:lr/sdf
Enclosures

cc. Jennifer Teskey

IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to determine whether the costs and damages incurred by electricity distributors as a result of the April 21, 2010 Minutes of Settlement in the late payment penalty class action, as further described in the Notice of Proceeding, are recoverable from electricity distribution ratepayers, and if so, the form and timing of such recovery.

**SUBMISSIONS OF THE ELECTRICITY DISTRIBUTORS ASSOCIATION IN
RESPONSE TO THE SCHOOL ENERGY COALITION MOTION REGARDING
INTERROGATORIES**

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Solicitors for the Electricity Distributors
Association

TO: Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge Street
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Attn: Board Secretary, Kirsten Walli
Email: boardsec@oeb.gov.on.ca

1. The Electricity Distributors Association (“EDA”) responds to the motion of the School Energy Coalition (“SEC”) as follows:

Interrogatory No. 2

2. The answer given is sufficient. As indicated in the initial interrogatory response, there was no transcription of the proceedings at the fairness hearing. Contrary to the uninformed assertion of SEC, court hearings where there is no *viva voce* evidence are rarely transcribed.

Interrogatory No. 3

3. The answer given is sufficient. The liability of an Affected Electricity Distributor is established by the settlement and resulting court judgment. The Affected Electricity Distributors, and not any other entity, are responsible for the payment of the settlement.

4. This interrogatory suggests that the settlement of the LPP class action may include the settlement of liabilities of predecessor MEUs which may not have become liabilities of Affected Electricity Distributors. For all Affected Electricity Distributors other than Toronto Hydro, the period of liability exposure reflected in the settlement is 1998-2001, which period largely post-dated incorporation by the Affected Electricity Distributors. For any liability for LPPs incurred by predecessor MEUs during this period, it is generally known that upon incorporation and assumption of the distribution businesses LDC’s assumed the associated liabilities. If SEC does not accept that, they can obtain copies of the transfer by-laws from the relevant municipalities to see for themselves if these liabilities devolved to the LDCs. They are not LDC documents and SEC can access them, and obtain copies, as easily as the LDCs.

Interrogatory No. 4

5. The answer given is sufficient. As a matter of law, upon a merger, the merged entity is liable for the obligations of the merging entities. No contractual assumption of liability is required. Liabilities do not disappear upon a merger; they automatically bind the successor entity.

Interrogatory No. 5

6. The answer given is sufficient. The EDA believes that no Affected Electricity Distributor had insurance which would have responded to this liability. If any Affected Electricity Distributor does in fact receive insurance proceeds, the Board can direct that those proceeds be reflected in the variance of account of those utilities. Whether there have been such receipts is irrelevant to the issues approved by the Board in this proceeding.

Interrogatory No. 6

7. The answer given is sufficient. The information requested is simply not available and, if it were, would be burdensome and irrelevant. It is evident, without referring to the historical bills, that only a miniscule portion of LPP Revenues could possibly have related to charges for goods or services other than electricity and its distribution. In any event, LPP Revenues were applied to reduce distribution rates regardless of whether a portion of the LPP charges related to non-distribution revenue.