

**Ontario Energy
Board**
P.O. Box 2319
27th. Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'Énergie
de l'Ontario**
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



BY E-MAIL

March 10, 2011

Andrew Taylor, Energy Law
120 Adelaide Street West
Suite 2500
Toronto, Ontario
M5H 1T1

Dear Mr. Taylor

**Re: Whitby Hydro Electric Corporation
Submissions on Information re Intervenors' Cost Claims
Board File Number EB-2009-0274**

The Board has considered your letter dated February 22, 2010, in which you requested information related to the cost award requests of the intervenors in the Whitby Hydro application proceeding. The Board has also considered the letters from the three intervenors dated February 23, 2011, and your response dated February 24, 2011. In your response, the request for certain items of information is withdrawn and the request for other items is modified or explained.

The Board notes your assertion that the requested information is necessary to analyze the reasonableness of the cost claims, and appreciates that your client's interest in the information now sought is based on its concern for the ratepayers it serves.

The Board considers that the claims from the intervenors have been filed in the manner prescribed in the Board's *Practice Direction on Cost Awards* (the "Practice Direction"), and it considers that the information being sought can be gleaned to a great extent from the documentation provided with the claims. The

Board will consider your submission on the reasonableness of the cost claims based on the information already filed.

The Board considers some of the remaining information sought to be of a general nature that would probe the value of the cost award practice as a whole or certain elements of the Practice Direction. The Board does not consider it appropriate to compel responses from intervenors regarding the general value of an established Board practice in the midst of the application of that practice.

Any objections that your client may have shall be based on the claims as they have been filed. The Board directs that your submission shall be filed by March 17, 2011. Consistent with the intent of the Decision, the intervenors are directed to file any responses to the objections within 7 days of the date on which your objections are filed with the Board.

Sincerely yours

Original signed by

John Pickernell
Assistant Board Secretary

cc. Intervenors