

01 April 2011

Ontario Energy Board  
2300 Yonge St., 27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4

Attn: Ms Kirsten Walli  
Board Secretary

By electronic filing and e-mail

Dear Ms Walli:

**Re: EB-2010-0279 – OPA 2011 Revenue – GEC request for oral hearing**

The parties to this proceeding have just completed the ADR effort and as Mr. Cass will be reporting, the resulting settlement proposal covers only a limited range of issues. Procedural Order 2 noted that the Board expected to proceed by way of a written proceeding. We write to request that in light of the result of the ADR the Board consider an oral hearing in this matter.

Our request is in recognition of the fact that important issues remain unsettled including the matters addressed in the two expert reports filed by intervenors. In particular, Mr. Neme's evidence, filed by the GEC, raises important questions about the OPA's interpretation of its mandate (for which the administration budget is sought) and important questions about the OPA's plans and protocols (or lack thereof) to fulfil its mandate. The HQEM evidence similarly raises important matters of principal.

We wish to assure the Board that GEC does not view this proceeding as the appropriate venue to investigate the appropriateness of particular OPA CDM programs and accordingly, we would not anticipate the need for a prolonged hearing. Rather we wish the opportunity to question the appropriateness of the available information regarding the achievement and efficiency of performance of the objectives, whether OPA's high level plans and progress to date in regard to strategic objective 2 adequately reflect the tasks OPA is charged with, whether the milestones for strategic objective 2 are in accord with the Directives and government policy and whether transparency and accountability initiatives are in place to allow achievement of the objectives and allow the Board and parties to efficiently examine the matters identified on

the issues list in this and future proceedings. These are all matters addressed in Mr. Neme's evidence and matters which we submit are central to the Board's supervision of the administrative budget. In addition, under issue 2.3, we would like the opportunity to examine OPA witnesses on that matter of whether the incentive for efficiency that OPA has offered the LDCs in its master agreement may be working at cross purposes with the Board's CDM incentive to the LDCs, and whether the OPA has put in place appropriate protocols to support the LDCs in meeting or exceeding the CDM Directive goals.

In the event that the Board is inclined to hold an oral hearing I can advise that Mr. Neme is not available from April 18<sup>th</sup> to 26<sup>th</sup> but is available at the end of the month and in May. While I cannot speak for other parties, I would estimate that the hearing should take approximately five days assuming OPA consolidates its witness panels.

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, Michael Bell