

J. MARK RODGER
T 416367-6190
F 416-361-7088
mrodger@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



April 4, 2011

VIA Email and RESS

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street,
Ste. 2701
Toronto ON M4P 1E4

Dear Ms. Walli

**Re: Ontario Power Authority – 2011 Expenditure & Revenue Requirement
OEB File No. EB-2010-0279
Hydro Quebec Energy Marketing evidence on proposed new OPA Export
Fee
Request for Oral Hearing on Disputed Issue**

We are in receipt of correspondence dated April 1, 2011 from counsel to the OPA. As the Board will now be aware, no settlement could be reached with respect to Issue 7.2: “Is the proposal to recover OPA fees from export customers reasonable and appropriate?” HQEM requests that an oral hearing be held with respect to Issue 7.2.

HQEM has filed evidence on this matter and our client would like the opportunity to present a witness panel to testify in support of its evidence. We would also like the opportunity to cross examine the OPA’s witnesses who are supporting and advocating this new charge.

HQEM submits that an oral hearing is the most appropriate and most efficient format to consider this disputed issue which best allows the OPA and intervenors to test the evidence in its entirety that has been filed to date as compared to proceeding by a written hearing. In our view a written hearing would amount, in essence, to another round of interrogatories followed by argument which would neither achieve the same testing of evidence nor produce the same quality of record for the Board’s consideration and determination of this disputed, and highly contentious matter.

In terms of scheduling an oral hearing on Issue 7.2, the only immediate conflict for us is the timing of the commencement of the Toronto Hydro CDM proceeding which is set to begin on Thursday April 28. If the OPA oral hearing could be scheduled to avoid conflicting with the Toronto Hydro CDM case we would be grateful.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Original signed by Mark Rodger

J. Mark Rodger

copy to:

Yannick Vennes, HQEM
Fred Cass, OPA counsel
Intervenors of Record

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