

April 4, 2011

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VIA E-MAIL

File 10606

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

Re: EB-2010-0279

We are counsel to the Consumers Council of Canada ("CCC") in this matter. The purpose of this letter is to request an oral hearing.

The CCC submits that, without an oral hearing, it would be difficult, if not impossible, to elicit evidence that would allow the parties to make meaningful submissions on the issues. In its "Issues Decision", the Board stated that it is "of the view that an assessment of the OPA's administrative fees must require an examination and evaluation of the management, implementation, and performance of the OPA's charge-funded activities". The CCC submits, with respect, that the pre-filed evidence and the answers to written interrogatories do not provide sufficient information to allow the parties, and the Board, to undertake that examination and evaluation.

To illustrate this point, the CCC refers to the OPA's response to CME interrogatory number 2 (Exhibit I, Tab 11, Schedule 2). In response to a request that the OPA "list and describe the conditions that the OPA says should exist for an electricity system to be "cost effective" in accordance with Strategic Objective #1, the OPA's response was as follows:

Consideration of cost-effectiveness requires integrated analysis of costs in evaluating plan options. Cost-effective planning considers the lowest cost option first (while complying with Government requirements and meeting system reliability needs), followed by additional resources until the needs are met. This process is facilitated by the calculation of the Levelized Unit Energy Cost ("LUEC") for feasible options, as described in part b).

That answer is, with respect, opaque. For example, what is the effect on the lowest cost options of complying with Government requirements? In what way, and at what cost, is the process “facilitated” by the calculation of the LUEC?

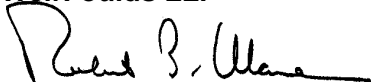
In order to understand what is meant by the various components of the answer, an oral examination is required. The only forum in which to undertake that examination is an oral hearing. In the absence of the ability to undertake the examination, it would be very difficult, if not impossible, to make meaningful, and responsible, submissions with respect to the meaning of that answer.

The example cited in the preceding paragraphs is but one of many that can be found in the pre-filed evidence and responses to written interrogatories. If the Board is to achieve the objective stated in the “Issues Decision”, namely an “examination and evaluation of the management implementation, and performance of the OPA’s charge-funded activities”, then an oral hearing is required.

The CCC’s areas of interest are primarily the OPA’s administrative fees in the areas of conservation, supply procurement and communications. A related issue is the transparency of the OPA’s decision-making. Finally, the CCC is interested in the issue of whether the OPA fees should be recovered from export customers.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Ontario Power Authority
cc: Aird & Berlis, LLP
cc: Julie Girvan
cc: All Parties

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