

# AIRD & BERLIS LLP

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Kirsten Walli, Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 26<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

Dear Ms Walli:

**Re: Ontario Power Authority – 2011 Revenue Requirement Submission  
EB-2010-0279**

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We are writing on behalf of the Ontario Power Authority (OPA) to respond to letters that have been written to the Board requesting an oral hearing of this matter.

The Board's expectations regarding the process for review of the OPA's 2011 Revenue Requirement Submission are clearly set out in the Issues Decision and Procedural Order No. 2. The Board stated in this context that:

At this point the Board expects to proceed by way of a written proceeding, including a written interrogatory process, a settlement conference, and an opportunity for written submissions.

The written process contemplated in the Issues Decision and Procedural Order No. 2 is consistent with the process that has proved to be effective and efficient for the Board's review of previous revenue requirement submissions by the OPA.

The letters written to the Board by other parties anticipate an oral hearing of five days' duration,<sup>1</sup> presumably to be followed by a process of written argument. The OPA submits that the oral hearing process requested by intervenors offends any reasonable standard of proportionality, given that the OPA's proposed fee represents a monthly bill impact of approximately \$0.41 for an average residential consumer using 800 kilowatt/hours per month of electricity.

The 32 unsettled issues in this case span all 5 of the OPA's Strategic Objectives, which means, in other words, that they effectively span all of the OPA's activities. As matters now stand, if the Board elects to proceed with an oral hearing, the OPA will have no

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<sup>1</sup> The Green Energy Coalition indicates that an oral hearing should take approximately 5 days "assuming OPA consolidates its witness panels" and the Canadian Energy Efficiency Alliance says that the hearing should be about a week.

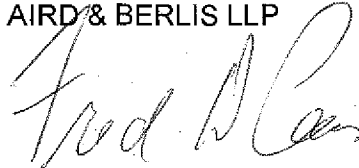
choice but to organize and prepare witness panels to be in a position to address (relevant) questions about virtually any aspect of the OPA's activities. The effect of proceeding in this manner would be to draw the OPA's resources away from a number of important areas of work, including the preparation of the Integrated Power System Plan that the OPA will be filing with the Board later this year. In fact, it is the OPA's aim to begin consultations regarding the IPSP within a time-frame that, at this point, is only weeks away.

With respect to Issue 7.2 (Recovery of fees from export customers), it will be necessary for the OPA to respond to the position set out in the evidence of HQ Energy Marketing Inc. (HQEM). The OPA intends to deliver additional pre-filed evidence that will make the Board and parties aware of its response to HQEM's position. When this evidence has been delivered, the Board will have a very extensive record upon which to review the OPA's 2011 revenue requirement submission.

For all of the foregoing reasons, the OPA submits that the requests for an oral hearing should be denied. In the alternative, if the Board sees fit to allow the requests for an oral hearing, the OPA submits that intervenors should be required to particularize the issues that they intend to pursue so that the OPA will have an opportunity to organize and schedule the deployment of its resources as efficiently as possible in the circumstances. While several intervenors have given some general indication of issues that they intend to raise with respect to Strategic Objective #2 (Conservation), there has been relatively very little information provided about the issues to be pursued at an oral hearing in connection with the other 4 Strategic Objectives.<sup>2</sup> Not only is it extremely inefficient, but it is also highly unfair to expect the OPA to proceed into an oral hearing concerning all 5 of its Strategic Objectives when it does not even know what specific (and relevant) issues it should be prepared to address with respect to at least 4 of the 5 Strategic Objectives.

Yours truly,

AIRD & BERLIS LLP



Fred D. Cass  
FDC/

c.c. All EB-2010-0279 Intervenors  
M. McOuat, Ontario Power Authority

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<sup>2</sup> The Consumers Council of Canada has indicated that, in addition to Strategic Objective #2, its primary areas of interest are Strategic Objective #5 (Communications) and part of Strategic Objective #3 (Supply Procurement).