

13 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-2011-0011 THESL CDM – GEC Withdrawal from active intervention**

We write to inform the Board that GEC will not be participating in the hearing phase of this proceeding.

In its March 11<sup>th</sup> Decision on the Issues List the Board included Issue 3.2:

Has THESL adopted an appropriate mix of OPA programs and Board-Approved Programs?

Under this issue GEC had intended to pursue the matter of the adequacy of THESL's proposals in light of the extent of the OPA programs and in light of the Board's statutory mandate found in section 1.(1) 3 of the Act:

To promote electricity conservation and demand management in a manner consistent with the policies of the Government of Ontario, including having regard to the consumer's economic circumstances.

As the Board will be aware, in its Long Term Energy Plan the government has called for a significant reliance on CDM. Further, in his February 17<sup>th</sup> Supply Mix Directive the Minister had specifically asked OPA to exceed and accelerate CDM Targets if feasible and cost-effective. Of course, the Board approved LDC CDM programs will form part of the effort to achieve or exceed those targets.

In the current OPA revenue case the GEC has filed the evidence of Energy Futures Group noting how OPA's filing does not allow for the conclusion that the LTEP targets will be met, let alone exceeded. Accordingly, GEC had hoped to examine the role that THESL (and by extension, other LDC's) could play in addressing these goals.

However, in the course of its Decision on the Pollution Probe motion the Board noted (at page 57 of the April 5<sup>th</sup> transcript):

"With respect to Pollution Probe's request that the Board adopt an issue -- or rather, issues which would open an inquiry as to whether the Toronto Hydro should undertake more CDM programs that they have here applied for, it is the Board's view that it would be entirely inappropriate for it to embark on any such inquiry."

Accordingly, we believe it would be inappropriate to continue actively intervening as it would entail the GEC, the Board and other parties incurring time and expense on a matter now held to be out of scope and would risk adverse cost consequences for the GEC.

As the Board may wish to consider how and where the matters we have raised can be considered on a timely basis, we have copied this correspondence to the Chair.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Poch', with a stylized flourish at the end.

David Poch

Cc: All parties  
Rosemarie T. Leclair, OEB Chair