

August 5, 2011

VIA EMAIL and RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Ontario Power Authority
2011 Revenue Requirement Submission
Ontario Energy Board File No. EB-2010-0279**

On July 8 2011, the Board released its Decision and Order in the OPA's 2011 Revenue Requirement proceeding, requiring intervenors to file their cost submissions within 15 days of the date of the Board's Decision. The OPA was allowed to make submissions regarding these claims within 30 days of the Decision.

The OPA has received cost claims from Energy Probe, LIEN, SEC, GEC, CEEA, CME, Pollution Probe, VECC and CCC. Total costs claimed by these parties are \$485,427. Individual cost claims range from approximately \$17 thousand (Pollution Probe) to \$145 thousand (CEEA). It would be expected that this level of variability could be explained by varying levels of involvement in the proceeding. The OPA notes, however, that GEC addressed a similar number of issues to CEEA in its argument, as well as submitting expert evidence and supporting oral testimony. The overall cost claim by GEC in this proceeding is approximately \$70,000.

The OPA appreciates that the Issues List established for this proceeding was broader than those established in the past. Intervenors raised a significant number of issues throughout this proceeding, through interrogatories, cross examination of witnesses and argument. The OPA notes that the Board's Decision generally focused on three broad areas: metrics, milestones and budgeting; stakeholder engagement and transparency; and export fees.

At page 7 in the Decision, the Board stated that:

The Board has reviewed and considered the complete record, but refers directly only to the portions of the record that are within the scope of the proceeding and bear directly on the proposed revenue requirement and fees.

For the reasons set out above, the OPA is concerned that the high end of a rather wide range of cost claims cannot be explained by varying levels of contribution to the proceeding, but the OPA recognizes that, in the circumstances, the Board is in the best position to determine the weight it placed on the issues raised and the value it attributed to participation levels of the parties in reaching its Decision.

Yours truly,



Michael Lyle
General Counsel and
Vice President,
Legal, Aboriginal and Regulatory Affairs

cc: All Intervenors to EB-2010-0279 (by email)
Mr. Fred Cass, Aird & Berlis (by email)