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September 8, 2011

via RESS e-filing – signed original to follow by courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Response to Intervenor Cost Claims
OEB File No. EB-2009-0180 et al.**

In its Decision and Order dated August 3, 2011, the Board made a provision, among others, for the filing of cost claims by ECAO/GTECA and SEC and related submissions, in the Additional Evidence portion of this proceeding. The Applicants received SEC's cost claim only yesterday, 14 calendar days past the Board-ordered due date for filing cost claim submissions; consequently, the Applicants are responding a day late to these cost claims and respectfully request that the Board accept these submissions. The late submissions by SEC appear to THESL to be part of a pattern and THESL submits that SEC ought reasonably to have informed THESL prior to August 24 that there would be a delay in submitting cost claims due to computer problems.

The Board relies on responsible participation by parties in a proceeding to inform the record and the Applicants submit that in this respect, SEC has fallen short. The Applicants continue to rely on their July 4, 2011 reply submissions, in which

they urged the Board to reject the submissions of SEC on the grounds that these submissions were logically flawed, factually inaccurate and unsupportable¹.

For example, the Board rejected SEC's proposal that the appropriate assets be transferred to THESL at a value of \$1. SEC's proposal was a clear example of an approach that is neither helpful to the record, nor meaningful in any respect.

In summary, the Applicants submit that SEC did not participate responsibly in this aspect of the proceeding and has not contributed to a better understanding by the Board of issues in this proceeding.

The Applicants respectfully request that the Board determine cost recoveries by SEC in light of these submissions.

Yours truly,

[original signed by Colleen Richmond for]

Glen A. Winn
Manager, Regulatory Applications & Compliance

:GAW/acc

cc: J. Mark Rodger, Counsel for THESL, by electronic mail only
Intervenor of Record for EB-2009-0180 et al., by electronic mail only

¹ Para. 72, THESL Submissions in Reply, July 4, 2011