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BY EMAIL and RESS

November 9, 2011
Our File No. 20110073

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2011-0073 – Oshawa 2012 Rates

We are counsel for the School Energy Coalition. We are writing to express our concern with respect to the timing of argument in the above-mentioned case.

Procedural Order #6 provides that the Applicant has seven business days after the oral hearing to prepare written argument. It also provides that Intervenors have only one business day to prepare their final argument, to be delivered orally, and the Applicant has less than one day to prepare oral reply.

While the seven days for the Applicant seems reasonable to us, and while Intervenors can likely prepare parts of their argument in advance of seeing argument in chief, we are unable to see how an argument that would be useful to the Board can be prepared by Intervenors in one business day. This appears to us to put Intervenors at an unfair disadvantage relative to the Applicant, and represents a schedule that is at odds not only with the Board's past practice, but also with the practice in most other adjudicative bodies, including most courts.

We note that this Applicant is seeking a January 1, 2012 effective date for rates, and we are aware that the current timing of the process makes it difficult for the Applicant to achieve that result. However, in our view, the normal consequence of filing an

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application relatively late, and delaying the process twice by being unable to meet the Board's normal deadlines (both interrogatories and technical conference) is that meeting the desired effective date for new rates is a challenge, particularly in a fully contested proceeding. This is, it is submitted, the appropriate consequence in such a situation.

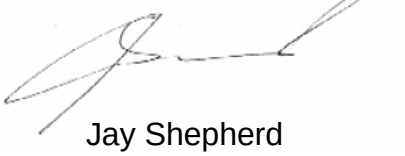
We therefore request that the Board reschedule intervenor argument so that, like the Applicant, intervenors have seven business days to prepare it. This would, if the Board accepts this submission, schedule the Intervenor argument no earlier than December 13, 2011.

We note that, if the Applicant believes that more time than is currently ordered would be beneficial with respect to their reply argument, SEC suggests that the past standard of one calendar week for reply would be reasonable.

SEC will, of course, prepare argument in this and any other case on whatever schedule the Board determines, but we feel that the current schedule in this case will likely prevent us from preparing an argument that properly presents SEC's case at the level the Board quite rightly expects and requires.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.



Jay Shepherd

cc: Wayne McNally, SEC (email)