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November 17, 2011

Delivered by Email and Courier

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

Dear Ms. Walli:

**Re: EB-2011-0273
Grimsby Power Incorporated
Application to the Ontario Energy Board for Electricity Distribution
Rates and Charges as of January 1, 2012**

We are counsel to Grimsby Power Incorporated ("Grimsby Power") in the above-captioned matter. We are writing to you today on behalf of Grimsby Power with respect to the Technical Conference currently scheduled to be held at the Board's offices tomorrow (November 18, 2011). For the reasons set out below, Grimsby Power respectfully requests that it be rescheduled to November 24, 2011, in order to allow it sufficient time to prepare responses to the over 100 Technical Conference questions it has now received.

In Procedural Order No. 2 in this proceeding, issued on October 27, 2011, the Board established the following dates:

- Questions or matters for the Technical Conference are to be filed on November 16, 2011;
- The Technical Conference is to be held on November 18, 2011; and
- The Settlement Conference is to be held on November 23, 2011, continuing on November 24, 2011 if needed.

By its letter dated and delivered November 8, 2011, Grimsby Power expressed its concern with the dates for the submission of Technical Conference questions in relation to the date for the Technical Conference. Specifically, Grimsby Power was concerned that there would be no time to prepare responses to the over 100 Technical Conference questions that it could reasonably expect to receive, based on the numbers of questions received by Oshawa PUC Networks Inc. and Guelph Hydro Electric Systems Inc. in their respective 2012 cost of service proceedings. The current schedule allows for only a single day between Grimsby Power's receipt of the questions and the Technical Conference. Grimsby Power wrote:

"It will simply not be possible to respond to the Technical Conference questions in one day. Grimsby Power respectfully requests that the Board revise the schedule to permit adequate time for preparation of responses to the Technical Questions, in order that a meaningful and efficient Technical Conference can be conducted."

Grimsby Power had suggested that the Technical Conference be postponed until Nov 23, 2011, the date currently reserved for Grimsby Power's Settlement Conference. Grimsby Power noted that its ability to prepare its response in time for the Technical Conference would depend on the number and complexity of the questions from Board staff and the intervenors, but at that time, in advance of receipt of any of the questions, it appeared reasonable to use the Settlement Conference date. The Settlement Conference and later elements in the timeline would then be rescheduled to later dates.

By letter dated November 9, 2011, Energy Probe, one of the intervenors in this Application, confirmed its support for Grimsby Power's request. Specifically, Energy Probe wrote:

"It is the submission of Energy Probe that if the Board grants the extensions, it would allow the Applicant time to provide more complete responses to technical conference questions, leading to a more meaningful conference. Energy Probe therefore supports the request to move the Technical Conference to the first day currently reserved for the Grimsby Settlement Conference, November 23, 2011."

Grimsby Power has not received a formal response to its request. Grimsby Power staff have attempted to pursue this request with Board Staff, but Board Staff have advised Grimsby Power staff by telephone that the Technical Conference date could not be changed. As Grimsby Power had anticipated, it has now received over 100 Technical Conference questions. The intervenors delivered their questions (approximately 61 in total) during the evening of Tuesday, November 15th, and Grimsby Power appreciates their efforts in providing their questions in advance of the deadline. The Board Staff questions (approximately 48) were received at approximately 4:40 p.m. yesterday, November 16th.

Now that Grimsby Power has received the questions, it is abundantly clear that it cannot have answers prepared in time for the Technical Conference. One day for the preparation of answers to what is essentially another round of interrogatories is not sufficient, and Grimsby Power respectfully submits that there is no benefit to the parties or the Board in having Grimsby Power staff take a day away from their work preparing responses to the questions in order to attend at the Board's offices for a session in which they will, for the most part, be giving undertakings to answer the same questions. Rule 27.01 of the Board's *Rules of Practice and Procedure* states:

"27.01 The Board may direct the parties to participate in technical conferences for the purposes of reviewing and clarifying an application, an intervention, a reply, the evidence of a party, or matters connected with interrogatories."

These purposes will not be achieved if a Technical Conference is held tomorrow.

To be clear, Grimsby Power does not object to preparing responses to the questions – it simply requires a reasonable amount of time to do so, particularly in a matter such as this, where responses to the questions may affect Grimsby Power's revenue requirement and rates for several years.

Having now had an opportunity to review the questions, Grimsby Power suggests that the Technical Conference be rescheduled to Thursday, November 24, 2011, currently scheduled as the second day of the Settlement Conference. The Settlement Conference could be held on December 12 and 13, 2011, currently scheduled as the dates for an oral hearing, if an oral hearing were necessary.

Grimsby Power would appreciate your prompt consideration of this matter.

Yours very truly,
BORDEN LADNER GERVAIS LLP

Original Signed by James C. Sidlofsky

James C. Sidlofsky
JCS

cc. S. Cheung, Board Staff
R. Lanni, Board Counsel
D. Curtiss, Grimsby Power
M. Domokos, Grimsby Power
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