March 2, 2012

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4
Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: 2012 IRM Rate Application
EB-2011-0165
Submissions

Enclosed please find *ENWIN'S* submissions in the above noted proceeding.

The submissions are being filed through the Board's web portal (PDF) and also sent by email and 2 paper copies. VECC will be copied on the email.

Yours very truly,

***ENWIN* Utilities Ltd.**

Per: Andrew J. Sasso
Director, Regulatory Affairs

P.O. Box 1625 787 Ouellette Avenue Windsor, ON N9A 5T7
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IN THE MATTER OF the *Ontario Energy Board Act, 1998,* being Schedule B to the *Energy Competition Act, 1998,* S.O. 1998, c.15;

AND IN THE MATTER OF an Application by EnWin Utilities Ltd. for an Order or Orders approving or fixing a proposed schedule of adjusted distribution rates, retail transmission rates and other charges, effective May 1, 2012.

SUBMISSIONS

1. EnWin Utilities Ltd. ("EnWin") is a municipally-owned business corporation operating in the City of Windsor and a local electricity distribution company ("distributor") that is licensed and rate-regulated by the Ontario Energy Board (the "Board").

2. The foundation for EnWin's current rates and charges is the Board's Decision and Order in the Applicant's 2009 Cost of Service Rate Application (EB-2008-0227), which was issued on April 9, 2009. That Decision and Order rebased EnWin's rates following a comprehensive process that brought expert and independent scrutiny to bear on the proposed cost and rate structures.

3. On March 31, 2010, in proceeding EB-2009-0221, the Board made an annual adjustment to EnWin's rates using the Board's Incentive Regulation Mechanism. The resulting rates and the other charges took effect on May 1, 2010 and were charged through April 30, 2011, in accordance with the Board-approved tariff.

4. On April 21, 2011, in proceeding EB-2010-0079, the Board made an annual adjustment to EnWin's rates using the Board's Incentive Regulation Mechanism. The resulting rates and the other charges took effect on May 1, 2011 and will be charged through April 30, 2012, in accordance with the Board-approved tariff.

5. On November 25, 2011, EnWin applied to the Board pursuant to section 78 of the *Ontario Energy Board Act, 1998* for approval of its proposed adjusted distribution rates, retail transmission rates and other charges for the period May 1, 2012 through April 30, 2013.

6. The Board's Notice of Application, which was published in the local English and French newspapers and on EnWin's website, provided for intervention by interested parties.

7. Ontario Energy Board Staff ("Board Staff") and Vulnerable Energy Consumers Coalition

("VECC") filed interrogatory questions on January 20, 2012. EnWin responded to those interrogatories on February 3, 2012.

8. Board Staff Submissions and VECC Submissions were filed on February 17, 2012.

9. EnWin's submissions are enclosed.

PRELIMINARY MATTER

10. In EB-2010-0079 the Board directed EnWin to "file a separate application to dispose of the December 31, 2008 Group 1 Deferral and Variance Account balances on a final basis" such that the issue should be "resolved prior to EnWin's next rate proceeding."

11. In the summer of 2011, EnWin filed an application to seek disposition of those balances on a final basis and the Board initiated an audit under Part VII of the *Ontario Energy Board Act, 1998* to review those same account balances. The application was assigned file EB-2011-0276 and was held in abeyance pending the outcome of the audit.

12. On September 30, 2011, the Board's Regulatory Audit group confirmed that there were "no issues" that would materially impact the account balances. The Board auditors did "not see a need for EnWin to make any adjustments to its December 31, 2008 Group 1 DVA balances."

13. On October 14, 2011, the Board resurrected the application and approved EnWin's December 31, 2008 deferral and variance account balances on a final basis.

14. Thus, the outstanding issue from EB-2010-0079 has been resolved in accordance with the Board's direction.

REGARDING BILL IMPACT

15. A central concern of the Board, EnWin and local ratepayers is the total bill impact of changes to electricity rates in Windsor. These Submissions focus on that important bottom line.

16. The role of Board Staff has been characterized by the Board as "indentifying and evaluating options for the Board's consideration in a proceeding by reference to the public interest."[1]

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[1] OEB: *A Report with Respect to Decision-Making Processes at the OEB*, September 2006 ("OEB Report").

17. In this proceeding, the Board Staff Submission has proposed a revenue recovery period that is more condensed than that proposed by EnWin in response to Board Staff interrogatory #2(b). As such, Board Staff has proposed a total bill impact of 4.04%[2] effective May 2012 which is greater than the total bill impact proposed by EnWin 2.85%[3].

18. In VECC's Notice of Intervention dated December 23, 2011, VECC stated that its purpose of intervening in this Application was to "ensure that consumer interests and in particular the interests of the low-income and vulnerable users of electricity are fully represented in the determination of just and reasonable rates."

19. With the opportunity and expertise to assess the entirety of the Application, VECC determined that the only part of the Application that warranted interrogatories and submissions was the part pertaining to the Lost Revenue Adjustment Mechanism (LRAM). VECC made no submissions asserting that the bill impact of the Application was unreasonable.

20. In short, the party responsible for representing the public interest and a party representing low-income consumers seem to have both concluded that the rates sought by EnWin and the resulting bill impact are reasonable and perhaps lower than they ought to be.

21. In this proceeding, the Board received letters of comment from 9 of EnWin's 85,000 ratepayers. The letters of comment received in this proceeding pertained to local concerns about the rate increase and the resulting bill impact set out in the Application.

22. The fact that EnWin's rate recovery proposal is at least as modest as that of the provincial experts who have argued in the public interest and behalf of low income consumers should provide some reassurance to those who commented.

23. Moreover, EnWin advised the public through a December interview with the local newspaper of record that the total bill impact would ultimately be less than that which was set out in the Application. Indeed, it appears that the total bill impact will in fact be approximately half of the figure that appeared in both the Notice of Application and the newspaper article.

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[2] Board Staff Submission, p. 7.
[3] Board Staff Submission, p. 6.

24. EnWin expects to provide notice of the actual rate change to all of its ratepayers, not just those who commented, as part of the Board's normal processes.

LOST REVENUE ADJUSTMENT MECHANISM (LRAM)

25. Both Board Staff and VECC raised concerns about whether the Board's *Guidelines for Electricity Distributor Conservation and Demand Management* dated March 2008 ("2008 CDM Guidelines") have been properly followed throughout the industry, particularly in respect of the Lost Revenue Adjustment Mechanism ("LRAM").

LRAM Overview and Objection to Proposal

26. It is in the interest of EnWin and its ratepayers that the Board's CDM policies provide incentives and remove disincentives for parties to promote CDM. LRAM is a key policy tool used by the Board to further these objectives.

27. Section 5.0 of the 2008 CDM Guidelines describe LRAM:

> Unforecasted CDM results can have the effect of eroding distributor revenues due to lower than forecast throughput. Distributors recover fixed distribution costs through both a fixed and a variable rate, which is set based on a forecast of consumption, including natural changes in energy efficiency. If actual consumption is less than the forecasted amount used for rate-setting purposes, the distributor earns less revenue than it otherwise would have, all other things being equal. Since the intention and effect of CDM activities is to reduce capacity and energy use, it also has the effect of reducing throughput and associated distributor revenues, which can result in a disincentive for distributors to deliver CDM programs.
>
> A mechanism to compensate for distributor-induced lost revenues is intended to remove the disincentive. LRAM is a retrospective adjustment, which is designed to recover revenues lost from distributor supported CDM activities in a prior year. It is designed to compensate a distributor only for unforecasted lost revenues associated with CDM activities undertaken by the distributor within its licensed service area.

28. Board Staff and VECC have challenged the approach to LRAM used by EnWin, which is the LRAM approach approved by the Board in implementing the LRAM policy tool province-wide over the past 3 years or more and which departed from the 2008 CDM Guideline. [4]

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[4] For example, see the Board's Decision in EB-2010-0107 at p. 8 where the Board granted Oshawa PUC's LRAM claim for CDM programs 2006-2009 using the same approach proposed by EnWin notwithstanding the fact that

Arguments of Board Staff and VECC

29. Board Staff and VECC argue that that the Board should not continue the approach of the past 3 years and should instead adopt an approach that was made available in the 2008 CDM Guideline, but seemingly never implemented in any 2009-2011 rate cases.

30. Neither Board Staff nor VECC argued that the Board cannot continue its historic approach to LRAM in this case.

31. Board Staff and VECC also argue that that the Board should adopt their positions in order to be consistent with certain other 2012 Board Decisions.

32. Neither Board Staff nor VECC argued that the Board must follow those 2012 Board Decisions.

33. In short, the issue is to what extent this Board Panel must or should follow the 2008 CDM Guideline, the 2009-2011 Board Decisions, or the 2012 Board Decisions.

2008 CDM Guideline

34. Whether or not Board Staff and VECC made the inference, EnWin's position is certainly that the Board as a whole and this Board Panel in specific are not bound by the 2008 CDM Guideline.

35. As noted by France Houle and Lorne Sossin, in *Ainsley Financial Corporation et al. V. Ontario Securities Commission et al.*, the Ontario Court of Appeal articulated that while administrative tribunals can use guidelines they cannot use such an instrument to "pre-empt the exercise of a regulator's discretion in a particular case.[5]

36. In this case, the Board cannot simply apply the LRAM approach set out in the 2008 CDM Guideline for the mere fact that such a guideline exists. To do so would be to fetter its discretion and contrary to the legal order within which it operates.

Oshawa PUC rebased in for 2008 rates. Another example is the Board's Decision in EB-2010-0110/EB-2010-0365, in which LRAM was granted to PowerStream and PowreStream-Barrie, 2009 COS and 2008 COS applicants respectively, which were both awarded LRAM based on the approach proposed in this Application by EnWin.

[5] Tribunals and Guidelines: Exploring the Relationships between Fairness and Legitimacy in Administrative Decision-Making (2006) 46 Canadian Public Administration 283-307 ("Tribunals"), p. 293.

37. The 2008 CDM Guideline does not rise to the level of a Board Code. It was crafted to centralize and refine various CDM policies that were not binding on the Board.[6]

38. In addition to not binding the Board, guidelines, including the 2008 CDM Guideline, do not bind parties in proceedings, including EnWin in this Application.[7]

39. EnWin submits that both the Board and EnWin may depart from Board guidelines in general and the 2008 CDM Guideline in particular. Moreover, the Board must not follow its guidelines, including the 2008 CDM Guideline, where to do so would fetter its discretion or lead to outcomes that are contrary to the public interest.

2009-2011 Board Decisions

40. Despite the 2008 CDM Guideline, based on EnWin's cursory review of a selection of rate cases involving a LRAM claim from 2009-2011, it appears that throughout that period the Board used the LRAM approach proposed in EnWin's Application. EnWin has included a couple of those citations above.

41. Board Staff and VECC have offered no examples of pre-2012 rate applications where the Board use the LRAM approach set out in the 2008 CDM Guideline.

42. In short, the *de facto* approach to LRAM which was consistently applied for 3 years was the LRAM approach proposed in EnWin's application.

43. Consistency as well as predictability and fairness are central tenets of administrative tribunals and tribunal decision-making in fulfilling their duties in the public interest.

44. It is contrary to the principles of consistency, predictability and fairness to, for the first time, start applying a provision from a 2008 regulatory guideline in 2012 proceedings when the issue has been live for at least 3 years.

45. In fact, the Board has established a regulatory expectation through its Decisions over the years that LRAM shall be approved based on the approach taken in this Application.

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[6] Board Letter of March 28, 2008 announcing the release of the 2008 CDM Guidelines.
[7] OEB Report, p. 8, 10.

46. Arguably, these Decisions have elevated the Board's approach to LRAM from that of a series of Decisions to the level of regulatory policy.

47. In fact, on a separate issue in this Application, Board Staff has recognized that Board Decisions provide policy direction and should inform the Board's decision-making, even if on a non-binding basis.[8]

48. Whether or not the Decisions of the Board have established a "policy" of applying LRAM in the way presently proposed, from a legal and policy perspective it is important to remember that important objectives of having public Decisions and a public guidelines are to improve consistency, predictability and fairness.

49. In this case, following the non-binding but public precedent of the Decisions from 2009-2011 would further the objectives of consistency, predictability and fairness whereas following the non-binding and historically neglected 2008 CDM Guideline would be inconsistent, unfair and thwart the predictability that arose from 2009-2011.

50. The Board should also be mindful that many distributors have benefited from several years of Decisions in which LRAM was applied as proposed. Other distributors, including EnWin, have a reasonable expectation of enjoying those same benefits.

51. Moreover, pursuant to section 3.4.2 of the Board's Filing Requirements, this is the final year for LRAM claims in relation to 2005-2010 CDM programs. Therefore this issue will not arise in future years in relation to historical periods. Applying LRAM in EnWin's case in 2012 as proposed aligns EnWin's result with the result of other distributors that filed LRAM claims in relation to 2005-2010 CDM programs (OPA and Third Tranche).

52. Also of importance, the Board initiated EB-2012-0003 to re-examine the CDM Guideline. If the 2008 CDM Guideline approach is the preferred approach to providing incentives and removing disincentives, then that approach can be applied with advance notice and then consistently, predictably and with fairness through that policy proceeding.

53. While Board Staff and VECC advanced a policy preference in recommending that the Board

[8] Board Staff Submission, p. 3.

follow the 2008 CDM Guideline, they disregarded the legal principles that weigh strongly in favour of furthering the public interest. Such an approach must be consistent, predictable, and fair. That is the approach to LRAM as established over the past 3 years.

2012 Decisions

54. Though it appears that Board Staff and VECC did not assert the LRAM approach from the 2008 CDM Guidelines in 2009, 2010 or 2011 rate applications, in at least some 2012 rate applications they have done so. The historic approach of the Board that was acceptable to them in prior years is no longer acceptable to them and, they argue, should no longer be acceptable to the Board.

55. Board Staff and VECC have had some success in convincing the Board to change its approach this year. Board Staff Submissions cite 2012 Board Decisions for Horizon Utilities[9], Hydro One Brampton[10] and Whitby Hydro[11]. The VECC Submission did not list Horizon Utilities but did also list a 2012 Board Decision for Hydro Ottawa[12].

56. Just as the Board is not only not compelled to follow its guideline but must not fetter its discretion by applying the guideline, so too is the Board not compelled to follow a few recent Decisions and must not allow the outcomes of those proceedings to fetter its Decision in this Application.

57. The legal arguments presented in this case were not advanced in the other 2012 rate proceedings referred to by Board Staff and VECC. Therefore, the Board is not hindered by those few Decisions and has reasons before it accept EnWin's position.

Materiality

58. If the Board applies the LRAM Termination, the LRAM recovery amount would drop from $2.23M to $0.85M. Given that this would be a material reduction, the legal and policy issues addressed above are of even greater importance.

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[9] EB-2011-0172
[10] EB-2011-0174
[11] EB-2011-0206
[12] EB-2011-0054

59. The calculation of the $0.85M LRAM recovery amount and resulting LRAM rate riders are set out below.

LRAM Calculations

OPA PROGRAMS

Program Year	Year Lost Revenue took place						
	2006	2007	2008	2009	2010	2011	TOTAL
RESIDENTIAL							
2006	$ 120,179.73	$ 126,268.02	$ 129,542.40				
2007	$ -	$ 124,236.15	$ 75,237.35				
2008	$ -	$ -	$ 62,161.93				
2009	$ -						
2010					$ 31,101.80		
	$ 120,179.73	*$ 250,504.18*	*$ 266,941.68*	*$ -*	*$ 31,101.80*	*$ -*	
GS < 50 kW							
2006							
2007							
2008			$ 5,157.37				
2009							
2010					$ 41,488.94		
	$ -	*$ -*	*$ 5,157.37*	*$ -*	*$ 41,488.94*	*$ -*	
GS > 50 kW							
2006	$ 2,673.17						
2007		$ 26,245.48					
2008			$ 46,516.79				
2009							
2010					$ 62,511.12		
	$ 2,673.17	*$ 26,245.48*	*$ 46,516.79*	*$ -*	*$ 62,511.12*	*$ -*	
	$ 122,852.90	**$ 276,749.66**	**$ 318,615.84**	**$ -**	**$ 135,101.86**	**$ -**	**$ 853,320.27**

THIRD TRANCHE PROGRAMS

Program Year	Year Lost Revenue took place						
	2006	2007	2008	2009	2010	2011	
ALL CLASSES							
2005							
2006							
2007							
	$ -	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	
				$ -	**$ -**	**$ -**	**$ -**
					TOTAL LRAM		**$ 853,320.27**

LRAM RATE RIDERS

Original Filing

Rate Class	OPA Programs $	Third Tranche $	Total $	Billing Units	kW or kWh	One Year Rate Rider Total $/Unit	Two Year Rate Rider Total $/Unit	Three Year Rate Rider Total $/Unit
Residential	1,332,441.72	204,433.81	1,536,875.53	647,461,708	kWh	0.0024	0.0012	0.0008
GS<50kW	361,256.66	12,417.20	373,673.86	223,701,633	kWh	0.0017	0.0009	0.0006
GS 50 - 4,999kW	306,749.93	9,152.58	315,902.51	2,412,328	kW	0.1310	0.0655	0.0437
Large Use - Regular	-	1,134.77	1,134.77	579,240	kW	0.0020	0.0010	0.0007
TOTAL	2,000,448.32	227,138.37	2,227,586.68					

Board Staff and VECC Submission

Rate Class	OPA Programs $	Third Tranche $	Total $	Billing Units	kW or kWh	One Year Rate Rider Total $/Unit	Two Year Rate Rider Total $/Unit	Three Year Rate Rider Total $/Unit
Residential	668,727.38		668,727.38	647,461,708	kWh	0.0010	0.0005	0.0003
GS<50kW	46,646.32		46,646.32	223,701,633	kWh	0.0002	0.0001	0.0001
GS 50 - 4,999kW	137,946.57		137,946.57	2,412,328	kW	0.0572	0.0286	0.0191
Large Use - Regular	-		-	579,240	kW	0.0000	0.0000	0
TOTAL	853,320.27	-	853,320.27					

60. In the event that the Board does not accept EnWin's current proposal which is based on principles of regulatory consistency, predictability and fairness, EnWin requests that that LRAM recovery occur over 2 years rather than the 1 year proposed by Board Staff. The effect of the Board Staff proposal would be partial recovery in a concentrated period, leading to a 2012 bill impact greater than EnWin's current proposal for full recover over a longer period. Partial recovery over a 2 year period would most closely approximate EnWin's current proposal without exceeding the bill impact of the current proposal.

IMPACT OF WHOLESALE MARKET PARTICIPANTS (WMP) ON ALLOCATIONS

61. The Board Staff Submission raises concerns about how Deferral and Variance Account (DVA) balance recover is allocated among ratepayers.

62. The historic Board policy, as reflected in EnWin's current rates, is to set a single set of rates for each rate class rather than sub-sets of ratepayers within rate classes.

63. Increasingly, the Board has been moving to a more granular regulatory treatment of ratepayers both in rates and electricity policy more generally.

64. An example of the former is the Global Adjustment rate riders that are exclusively applied to non-RPP ratepayers within each rate class.

65. An example of the latter is the amendments to the Distribution System Code that have been released as part of EB-2007-0722 and EB-2008-0150 ("Customer Service Amendments"). In the Customer Service Amendments, the Board has developed specific rules that only apply to low-income residential ratepayers rather than all residential ratepayers.

66. Board Staff's Submission is that the Board's Decision in this proceeding should continue the reshaping of regulatory policy that began in Bluewater Power's 2011 IRM.[13]

67. As EnWin has asserted in its arguments in respect of LRAM, establishing regulatory policy through Decisions is a genuine approach to regulation, so long as it furthers the public interest and reflects the natural justice considerations of consistency, predictability and

[13] EB-2010-0065

fairness.

68. For the LRAM issue, the public interest and natural justice arguments weigh in favour of continuing to approve LRAM according to the policy established by 3 years of Decisions because to do otherwise would be materially prejudicial to 2012 applicants.

69. By contrast, the Board may depart from its historic approach and approve rates based on WMP and non-WMP calculations because to do so does not prejudice any party or public interest.

70. Also unlike LRAM where the claim period in relation to CDM programs is closing this year and where a new CDM Guideline is in development, DVA allocations and recovery are annual occurrences and the WMP/non-WMP issues will certainly persist if not addressed.

71. It is worth noting that one of the reasons for confusion over the WMP/non-WMP allocation issue is the grouping of all rate riders under the Distribution category in the Delivery portion of the ratepayer bill.

72. It would seem to be in the interest of not only ratepayers but also the Board and distributors to improve the clarity of the bill. This may be furthered, for example, by presenting DVA rate riders associated with the commodity within the commodity line.

73. EnWin perceives that this proposal is consistent with public statements by the Board Chair which seem to be very much focused on improving ratepayer understanding and input of the electricity sector and the costs pressures in its various sectors.

74. EnWin is not proposing to implement "segment segmented" DVA rate riders in this proceeding. EnWin favours a more industry-wide approach given the importance of consistent education when it comes to changing the organization of the electricity bill.

75. The revised re-allocation calculations as suggested by Board Staff are set out below.

Rate Rider for Deferral/Variance Account Disposition

Rate Class		Billed kWh (include WMP)	Metered kW (include WMP)	1590 Recovery Share Proportion	1562 % of Distribution Revenue	% kWh	1584 (based on % kWh)	1586 (based on % kWh)	1590 (based on share proportion)	1521 (based on % kWh)	1562 (based on dist rev)	Total $	Rate Rider inc WMP	Connection Count
Residential	$/kWh	647,461,708	0	8.8%	47.1%	25.04%	131,080	21,750	-20	16,484	2,463,405	2,632,700	0.0041	
GS < 50 kW	$/kWh	223,701,633	0	7.3%	12.7%	8.65%	45,289	7,515	-17	5,695	661,641	720,124	0.0032	
GS > 50 kW	$/kW	944,319,635	2,412,328	44.3%	26.7%	36.52%	191,180	31,723	-103	24,043	1,393,827	1,640,669	0.6801	
Intermediate	$/kW	49,071,888	130,266	3.2%	0.6%	1.90%	9,935	1,648	-7	1,249	29,170	41,995	0.3224	
Large Use - Regular	$/kW	295,089,951	579,240	16.0%	2.9%	11.41%	59,742	9,913	-37	7,513	151,662	228,793	0.3950	
Large Use - 3TS	$/kW	349,426,416	698,063	18.7%	4.8%	13.51%	70,742	11,738	-44	8,896	252,721	344,054	0.4929	
Large Use - FA	$/kW	54,756,020	99,529	3.3%	2.6%	2.12%	11,085	1,839	-8	1,394	134,679	148,991	1.4970	
USL	$/kWh	3,697,869	0	0.1%	0.2%	0.14%	749	124	-0	94	12,035	13,002	1.21	893
Sentinel Lighting	$/kW	969,375	2,668	-0.1%	0.2%	0.04%	196	33	0	25	10,193	10,446	1.16	748
Street Lighting	$/kW	16,997,069	48,810	-1.4%	2.3%	0.66%	3,441	571	3	433	117,686	122,134	0.43	23,413
Total		2,585,491,563	3,970,904	100.0%	100.0%	100.0%	523,439	86,855	-233	65,827	5,227,019	5,902,907		

Rate Rider for Deferral/Variance Account Disposition excluding WMP

Rate Class		Billed kWh (exclude WMP)	Billed kW (exclude WMP)	% kWh	1580 (based on % kWh)	1588 (ex GA) (based on % kWh)	Total $	Rate Rider excl WMP	Connection Count
Residential	$/kWh	647,461,708	0	27.8%	-673,893	2,422,270	1,748,377	0.0027	
GS < 50 kW	$/kWh	223,701,633	0	9.6%	-232,834	836,908	604,074	0.0027	
GS > 50 kW	$/kW	944,319,635	2,412,328	40.5%	-982,870	3,532,869	2,549,999	1.0571	
Intermediate	$/kW	49,071,888	130,266	2.1%	-51,075	183,587	132,512	1.0172	
Large Use - Regular	$/kW	188,689,443	384,123	8.1%	-196,392	705,921	509,529	1.3265	
Large Use - 3TS	$/kW	257,570,182	496,981	11.0%	-268,085	963,616	695,531	1.3995	
Large Use - FA	$/kW	0	0	0.0%	0	0	0	0	
USL	$/kWh	3,697,869	0	0.2%	-3,849	13,834	9,986	0.93	893
Sentinel Lighting	$/kW	969,375	2,668	0.0%	-1,009	3,627	2,618	0.29	748
Street Lighting	$/kW	16,997,069	48,810	0.7%	-17,691	63,589	45,898	0.16	23,413
Total		2,332,478,801	3,475,176	100.0%	-2,427,699	8,726,221	6,298,522		

Rate Rider for Global Adjustment Sub-Account Disposition applicable only for Non-RPP Customers (non WMP)

Rate Class		non-RPP kWh (exclude WMP)	non-RPP kW (exclude WMP)	% kWh	1588(GA) (based on % kWh)	GA Rate Rider Non RPP, excl WMP	Connection Count
Residential	$/kWh	99,220,851	0	6.6%	-736,018	-0.0074	
GS < 50 kW	$/kWh	36,513,834	0	2.4%	-270,859	-0.0074	
GS > 50 kW	$/kW	842,318,403	2,151,759	56.4%	-6,248,301	-2.9038	
Intermediate	$/kW	49,071,888	130,266	3.3%	-364,014	-2.7944	
Large Use - Regular	$/kW	188,689,443	384,123	12.6%	-1,399,694	-3.6439	
Large Use - 3TS	$/kW	257,570,182	496,981	17.3%	-1,910,650	-3.8445	
Large Use - FA	$/kW	0	0	0.0%	0	0	
USL	$/kWh	1,823,223	0	0.1%	-13,525	-1.26	893
Sentinel Lighting	$/kW	70,070		0.0%	-520	-0.06	748
Street Lighting	$/kW	16,988,417		1.1%	-126,020	-0.45	23,413
Total		1,492,266,312		100.0%	-11,069,601		

DRAFT RATE ORDER

76. EnWin has struggled with the Board's 2012 IRM rate generator Excel program ("Rate Generator"). In particular, the Rate Generator tends to round volumetric rates to five decimal places whereas the Board's Tariff of Rates and Charges rounds volumetric rates to four decimal places. EnWin has worked with Board Staff numerous times to address the issue so that the projected rates and bill impacts are consistent with the eventual outcome of the proceeding.

77. It appears that Board Staff may have struggled with this Rate Generator issue in its own right; the figures in the Board Staff Submission appear to be based on "five decimal point rates" rather than "four decimal point rates".

78. Further, the Board Staff Submissions on Rate Mitigation used figures that did not account for the WMP/non-WMP allocation. That information was not sought during Interrogatories and is thus being made available for the first time in this Submission.

79. Through this Submission, EnWin is ensuring that the Board is aware of these two issues in case the implementation of the Decision does not exactly align with figures suggested by Board Staff.

80. EnWin anticipates working with Board Staff once the Decision is issued to ensure that the final version of the Rate Generator accurately reflects the Decision and the parameters for the Tariff of Rates and Charges in calculating rates and bill impacts.

RESPECTFULLY SUBMITTED and dated at Windsor, Ontario, this 2nd day of March 2012.

ENWIN UTILITIES LTD.

Per: Andrew J. Sasso