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**BY EMAIL**

March 7, 2012

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

Dear Ms. Walli:

**Re: Fort Frances Power Corporation  
2012 IRM3 Distribution Rate Application  
Board Staff Submission  
Board File No. EB-2011-0146**

In accordance with the Notice of Application and Written Hearing, please find attached the Board Staff Submission in the above proceeding. Please forward the following to Fort Frances Power Corporation and to all other registered parties to this proceeding.

In addition, please advise Fort Frances Power Corporation that its Reply Submission is due by March 19, 2012.

Yours truly,

*Original Signed By*

Martha McOuat  
Project Advisor

Encl.



# **ONTARIO ENERGY BOARD**

## **STAFF SUBMISSION**

**2012 ELECTRICITY DISTRIBUTION RATES**

**Fort Frances Power Corporation**

**EB-2011-0146**

**March 7, 2012**

**Board Staff Submission  
Fort Frances Power Corporation  
2012 IRM3 Rate Application  
EB-2011-0146**

**Introduction**

Fort Frances Power Corporation ("FFPC") filed an application (the "Application") with the Ontario Energy Board (the "Board") on December 20, 2011, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the distribution rates that FFPC charges for electricity distribution, to be effective May 1, 2012. The Application is based on the 2012 3<sup>rd</sup> Generation Incentive Regulation Mechanism.

The purpose of this document is to provide the Board with the submissions of Board staff based on its review of the evidence submitted by FFPC.

Board staff makes detailed submissions on the following matters:

- Billing Determinants;
- Group 1 Deferral and Variance Accounts;
- Shared Tax Savings;
- Disposition of Account 1521;
- Smart Meter Funding Adder;
- Specific Service Charges;
- Lost Revenue Adjustment Mechanism ("LRAM") Recovery; and
- Disposition of Account 1562, Deferred Payments in Lieu of Taxes ("PILs").

**Billing Determinants**

FFPC last rebased in 2006 and was due to rebase again in 2010. FFPC requested, and was granted, deferral of a full cost of service review in each of 2010, 2011 and 2012. In its April 26, 2011 letter requesting deferral of its 2012 cost of service proceeding, FFPC stated that its estimated revenue deficiency of approximately \$50,000 was significantly less than the estimated cost of \$160,000 to complete its cost of service proceeding, and that FFPC's operating circumstances are basically unchanged since the 2006 EDR.

In granting FFPC's request for deferral by letter of June 17, 2011, the Board stated that:

*Based on these considerations, the Board has concluded that it will not require FFPC's 2012 rates to be set on a cost of service basis. The Board is concerned, however, that FFPC's rates have not been rebased since 2006. The Board will therefore place FFPC on the list of distributors whose rates will be scheduled for rebasing for the 2013 rate year and will require FFPC to file its 2012 incentive regulation mechanism ("IRM") application under the 3<sup>rd</sup> generation IRM and in accordance with the filing requirements and process for the 3<sup>rd</sup> generation IRM.*

In reviewing FFPC's application, Board staff encountered significant difficulty in reconciling the billing determinants as entered into the models by FFPC. The billing determinants provided by FFPC did not match either FFPC's 2010 RRR information or the draft rate order from its last approved cost of service proceeding (EB-2005-0366). Board staff interrogatories #4, #5 and #6 asked FFPC to verify the billing determinants entered into the IRM3 Rate Generator, the RTSR Workform and the Shared Tax Savings Workform, and to provide supporting documentation for the billing determinants provided. In response to these interrogatories, FFPC requested that the 2010 2.1.5 RRR data be used as the billing determinants for the purposes of the IRM3 Rate Generator and the RTSR Workform. FFPC further stated that the billing determinants provided in the application were from the EB-2005-0366 draft rate order, although Board staff notes that they do not appear to match the version contained in the Board's files and FFPC's version was not provided in response to the interrogatory.

Other specific inconsistencies included the following:

- Billing determinants entered into the Shared Tax Savings Workform: In the 2006 cost of service proceeding, the Board's Decision established a new subclass for Unmetered Scattered Load ("USL") to be billed in the same manner as the GS<50 kW class, stating that the rate design change "will not affect the revenue requirement of the applicant". FFPC has included USL in its Shared Tax Savings Workform as additional billed kWh, rather than netting them off of the approved GS<50 kWh. In providing a correction in its response to Board staff Interrogatory #6, FFPC has merely removed the consumption attributable to the USL class, rather than reducing the GS<50 kW billed kWh accordingly. This would have the effect of removing the tax savings rate rider from the USL class and attributing

the entire amount to GS <50kW customers.

- Account 1590 Recovery Share on Sheet 10 of the IRM3 Rate Generator: In response to Board staff Interrogatory #4, FFPC proposed to revise the Account 1590 Recovery Share to reflect its experience of a “significant decline” in its GS<50 kW class due to a recessionary local business economy. This adjustment was provided in response to an interrogatory and is based on untested data.
- Non-RPP Billed kWh: Also in response to Board staff interrogatory #4, FFPC stated that the values for the Non-RPP billed kWh reflect a significant migration of customers from retailers to LDC Standard Supply, and that these values have been adjusted to reflect current volumetric forecasts.

Chapter 3 of the Filing Requirements states that:

*The IRM process is intended to streamline the processing of a large volume of rate adjustment applications, and is therefore mechanistic in nature. For this reason, the Board has determined that the IRM process is not the appropriate venue by which a distributor should seek relief on issues which are substantially unique to an individual distributor or more complicated and potentially contentious.*<sup>1</sup>

Despite FFPC’s assertion in its request for deferral that its operating circumstances are basically unchanged since the 2006 cost of service proceeding, it appears that conditions have indeed changed sufficiently that FFPC feels that adjustments to the data used by the mechanistic IRM3 models are warranted. Board staff notes that the Board, in its response to FFPC’s request to defer its cost of service proceeding for another year, expressed its concerns that FFPC’s rates have not been rebased since 2006 and scheduled it for rebasing in 2013.

Board staff submits that it would be inappropriate to allow FFPC to select certain unique adjustments to data incorporated into the IRM3 models without a full examination of all operating conditions inherent in a cost of service proceeding. In fact, in adjusting its Account 1590 Recovery Share as described above, FFPC has included an adjustment to address loss of customer load, which is specifically listed as an exclusion from IRM

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<sup>1</sup> Chapter 3 of the Filing Requirements for Transmission and Distribution Applications, section 4.0, page 24

applications in Chapter 3 of the Filing Guidelines. Having requested an IRM proceeding, FFPC should be required to proceed “in accordance with the filing requirements and process for the 3<sup>rd</sup> generation IRM”, as instructed by the Board in its June 17, 2011 letter.

That said, given the length of time that has passed and the possibility of changes that have occurred to FFPC’s customer base, some adjustments may be appropriate in order to allocate costs to FFPC’s current mix of customers in a fair and equitable manner. Board staff suggests that in this instance, it would be appropriate to use the 2010 2.1.5 RRR demand and revenues for the IRM3 Rate Generator and the determination of the LRAM Rate Riders, in addition to the RTSR Workform model. Board staff notes that this option is available in the IRM3 Rate Generator if there is a material difference between the last Board-approved load forecast and the most recent 12-month actual volumetric data. In this instance, although FFPC likely has 2011 actual volumetric data available it is suggested that the 2010 RRR data should be used, as it can be verified by other parties.

Board staff notes that the Shared Tax Savings Workform requires the use of the billing determinants and rates contained in the applicant’s last cost of service proceeding to accurately reflect the tax amounts underlying the approved rates. Shared Tax Savings are discussed further below.

The adjustments as proposed by FFPC for the 1590 Recovery Share and the Non-RPP kWh as described above should, in Board staff’s submission, be deferred until an updated load forecast is approved by the Board in a cost of service proceeding.

Board staff will make the necessary adjustments to the models to reflect the Board’s Decision regarding this matter.

### **Group 1 Deferral and Variance Accounts**

FFPC proposed to dispose of the balance in its Group 1 Deferral and Variance Accounts of a \$383,248 credit over a one year period, consisting of principal and carrying charges to December 31, 2010. In response to a Board staff interrogatory, FFPC provided calculations of carrying charges for the periods January 1, 2011 to December 31, 2011 and January 1, 2012 to April 30, 2012. The updated balance for

disposition, based on principal as at December 31, 2010 and carrying charges projected to April 30, 2012 is a credit of \$389,236. Board staff confirms that the necessary updates will be made to the models.

In its decision in FFPC's 2011 IRM proceeding (EB-2010-0128), the Board directed FFPC to:

*... file a detailed reconciliation of its RRR balances for the subject period, with the Board by June 30, 2011 and to file any final reconciliation of all group 1 accounts (including the global adjustment sub-account) at the time of filing its next rate application, regardless of whether the threshold is exceeded.<sup>2</sup>*

Through its interrogatory responses, FFPC confirmed that the continuity tables contained within its 2012 IRM Rate Generator model represent its reconciliation of Group 1 Accounts as directed. Board staff confirms that the 2010 balances as submitted in the model are consistent with the December 2010 2.1.7 RRR balances provided to the Board. With the addition of the 2011 and 2012 carrying charges described above, FFPC has provided the required calculations to support its proposal for disposition. Board staff is in agreement with the calculation of FFPC's Group 1 Deferral and Variance Account balances as adjusted. Board staff supports the disposition of these balances over a one year period in accordance with the allocation resulting from the Board's determination regarding billing determinants as discussed above.

### **Shared Tax Savings**

FFPC correctly calculated its Shared Tax Savings credit of \$3,072 based on the appropriate tax rates. As noted above, FFPC had incorrectly included Unmetered Scattered Load consumption as an addition to, rather than a subset of, the approved billing determinants from its EB-2005-0366 proceeding. The resultant rate riders for the Residential and GS<50 kW rate classes as calculated were \$0.000. Board staff notes that the calculation of rate riders using the correct billing determinants yields the same result.

Chapter 3 of the Filing Requirements states that in such instances a distributor may apply to record the balance in Account 1595 for disposition in a future proceeding. Board staff notes that FFPC has not entered rate riders into the IRM3 Rate Generator

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<sup>2</sup> EB-2010-0128 Decision and Order, page 8

for Shared Tax Savings, however it has not explicitly requested to record the balance in Account 1595 for future disposition. Board staff requests that FFPC make this clarification in its reply submission.

### **Disposition of Account 1521**

FFPC's application contains a proposal to recover its forecast debit balance in Account 1521 of \$2,280. FFPC recovered its invoiced amount of \$32,606 between May 1, 2010 and April 30, 2011.

Board staff notes that the usual practice by the Board is to dispose of audited deferral and variance account balances. The final balance proposed for disposition will be an unaudited balance. Board staff notes that the Board has approved the disposition of unaudited balances in account 1521 in both the Horizon (EB-2011-0172) and Hydro One Brampton (EB-2011-0174) 2012 IRM proceedings.

Subject to the clarification requested below, Board staff submits that the Board should authorize the disposition of Account 1521 as of December 31, 2010, adjusted by the amount recovered from customers in 2011, including the appropriate carrying charges.

Board staff notes that the projected interest from January 1, 2012 to April 30, 2012 of a debit of \$61 as shown in the response to Board staff interrogatory #1 appears to be inconsistent with the debit amount of \$10 provided in the response to Board staff interrogatory #3. Board staff requests that FFPC confirm in its reply submission that the amount of \$2,280 as filed represents the actual principal balance as at December 31, 2011, with interest projected to April 30, 2012, or provide any updates as required.

### **Smart Meter Funding Adder**

FFPC is proposing to continue its current Smart Meter Funding Adder ("SMFA") of \$2.50 per customer per month until such time as its smart meter cost recovery application is approved. FFPC has completed 100% of its Smart Meter installation program and began billing the mandated rate classes Time-of-Use Rates effective November 2011. FFPC anticipates filing an application for smart meter cost recovery in early 2012. The December 31, 2010 balance for smart meter capital was \$605,358. FFPC states that continuing to collect the SMFA will offset the credit rate rider for Group



1 Deferral and Variance account recovery, thereby contributing to rate stability for its customers.

Board staff notes that the SMFA was not intended to be compensatory (return on and of capital) on a cumulative basis over the term the SMFA is in effect.

Board staff therefore does not support the continuation of the SMFA at its currently approved level. Board staff also notes that FFPC has asked to defer its next cost of service application beyond the 2013 rate year, though the Board has not issued a decision on this request. In order to smooth the transition from the SMFA to the effective date of a smart meter disposition rider for FFPC, the Board may want to consider the continuation of an SMFA of \$1.00 with a sunset date of October 31, 2012. This would provide sufficient time for FFPC to file an application for disposition of its smart meter costs.

### **Specific Service Charges**

Board staff noted significant changes to FFPC's proposed Tariff of Rates and Charges for Specific Service Charges. In response to interrogatories, FFPC indicated that these changes were a combination of changes in charges to reflect actual costs of providing these services, deletion of certain obsolete or unused charges which had not been used since de-regulation in 2002, the addition of a new rate, and transposition errors.

In response to Board staff interrogatories # 8 and #9, FFPC provided cost breakdowns to support its new rates and increased charges. Costs were provided for labour, benefits and truck for technical services; and for labour, benefits and overheads for administrative services. There has been no opportunity for parties to examine these costs. Board staff notes that the labour costs appear to be generally inconsistent with the information in the last approved draft rate order although this is not surprising given the amount of time that has passed.

Chapter 3 of the Filing Guidelines does not specifically preclude changes to a distributor's Specific Service Charges in an IRM proceeding. As noted above however, the Guidelines state that an IRM is not the appropriate venue to examine issues which are substantially unique to an individual distributor. It is not unreasonable for a

distributor to make adjustments to its Specific Service Charges to more accurately reflect the costs of providing services, but the circumstances and cost structure of each distributor are unique. Board staff suggests that it would be more appropriate for FFPC to conduct a full examination of its Specific Service Charges for its next cost of service proceeding, where the costs to provide these services can be more fully tested. Board staff submits that FFPC's proposed changes to its Specific Service Charges to change rates, as well as its new proposed charge for Owner Requested Disconnection/Reconnection during regular hours should not be approved at this time.

Board staff also submits that FFPC is in the best position to determine its need for the continuation of current Specific Service Charges, and therefore does not oppose the removal of charges for pulling post-dated cheques, notification charge, or charge to certify a cheque.

Board staff will make the necessary adjustments to address the transposition errors noted in FFPC's response to Board staff interrogatory #8.

## **LRAM**

### **Background**

The Board's *Guidelines for Electricity Distributor Conservation and Demand Management* (the "CDM Guidelines") issued on March 28, 2008 outline the information that is required when filing an application for LRAM or SSM recovery.

In its decision on Horizon's application (EB-2009-0192) for LRAM recovery, the Board noted that distributors should use the most current input assumptions available at the time of the third party review when calculating a LRAM amount.

FFPC requested to recover a total LRAM claim of \$50,043, which includes \$2,746 of carrying charges, over a one-year period. The lost revenues include the effect of CDM programs implemented from 2006-2010.

### **Submission**

*2006-2010 lost revenues*

Board staff notes that FFPC has not collected the lost revenues associated with CDM programs delivered from 2006-2010. Board staff notes that except for 2006, FFPC was under IRM for these years. In 2006, FFPC rebased on a historical test year basis and there was no opportunity for it to account for CDM activity in its rates. Board staff supports the approval of the full LRAM amount of \$50,043 as FFPC did not have an opportunity to recover these amounts in the past.

Board staff notes that this is consistent with what the Board noted in its 2012 IRM decisions on applications from Hydro One Brampton (EB-2011-0174), and Whitby Hydro (EB-2011-0206).

### **Disposition of the Balance in Account 1562 Deferred PILs**

#### *Background*

The PILs evidence filed by FFPC in this proceeding includes tax returns, financial statements, Excel models from prior applications, calculations of amounts recovered from customers, SIMPIL<sup>3</sup> Excel worksheets and continuity schedules that show the principal and interest amounts in the account 1562 deferred PILs balance.

In pre-filed evidence, FFPC applied to refund to customers a credit balance of \$22,833 consisting of a principal credit amount of \$18,837 plus related debit carrying charges of \$3,996. In response to interrogatories, FFPC filed amended evidence that reflects a refund of \$17,387 consisting of a principal credit amount of \$15,071 plus related credit carrying charges of \$2,316.

The Board-approved maximum deemed interest expense was \$177,419. As actual interest incurred in each year was low because the distributor was primarily equity financed and had no debt, there are no issues with respect to the interest true-up calculations.

#### History of the 2001 and 2002 Applications and Process

In its 2001 application, FFPC made some requests that were different from most

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<sup>3</sup>Spreadsheet implementation model for payments-in-lieu of taxes

applicants. The Board made the following findings.<sup>4</sup>

“The Board finds that election of a 0.0% Target Rate of Return on Common Equity, and the Applicant’s proposals for mitigation of the impact on customers from rate design changes, as well its other proposals for rates and charges, are in general conformity with the Rate Handbook, the Board’s RP-2000-0069 Decision, and other Board directives or guidelines. Subject to the specific findings noted below, the Board finds that the rates and charges applied for by the Applicant are just and reasonable.

The Applicant requested that its new rates be effective and implemented March 1, 2002, without a retroactive adjustment. The Board accepts this proposal.

THE BOARD ORDERS THAT:

1. The bundled rates declared interim by letter dated February 28, 2001 are hereby approved as final rates for the period March 1, 2001 to May 31, 2001.
2. The bundled rates set out in Appendix “A” of this Order, which include the June 1, 2001 cost of power increase, are hereby approved as final rates for the period June 1, 2001 to February 28, 2002.
3. The unbundled rates set out in Appendix “B” of this Order are hereby approved as final rates effective March 1, 2002.”

On December 21, 2001 the Board issued filing guidelines to all electricity distribution utilities for the March 1, 2002 distribution rate adjustments. Supplemental instructions were issued on January 18, 2002. The Board issued detailed instructions and several filing models created in Excel to make the application process easier for the distributors. The intent was to have the distributors file in January 2002 and the Board’s Orders would be issued in February and March for rates effective March 1, 2002.

“The Board will be reviewing a large number of applications within a very short time period. The Board therefore intends to review first those applications that adhere to these filing guidelines. Applications that do not adhere to these guidelines or contain other proposed changes will be reviewed after those applications that have followed

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<sup>4</sup> RP-2000-0256/EB-2000-0556/EB-2001-0187, Decision with Reasons and Order, December 17, 2001, pages 2-3.

the filing guidelines and do not propose other changes.”<sup>5</sup>

FFPC filed an application, dated January 25, 2002, for an order or orders under section 78 of the *Ontario Energy Board Act, 1998* approving or fixing just and reasonable rates for the distribution of electricity, effective March 1, 2002. FFPC filed a revised application on February 22, 2002. The Board issued its decision for this case on March 14, 2002 and approved final rates to be effective March 1, 2002.<sup>6</sup> In the decision, the Board stated that:

“The Applicant requested to defer the second of three installments of the utility’s incremental Market Adjusted Revenue Requirement (MARR) of \$47,623.

Subsequently, in response to Board staff enquiries, the Applicant confirmed that it would forego, not defer, this incremental revenue.”

The Board made adjustments to the PILs proxy calculations.

“Subject to these adjustments, the Board finds that the Applicant’s proposals in the Revised Application conform with the Board’s earlier decisions, directives and guidelines and the resulting rates are just and reasonable.”

#### Accounting Procedures Handbook (APH) and Frequently Asked Questions (FAQs)

The APH and FAQs are guidelines. APH Article 220 was revised on December 20, 2001 and provided minimum guidance for the use of account 1562. FAQ April 2003 provided examples of the accounting entries related to account 1562 deferred PILs. The year selected for the example was the twelve month complete year of 2003. FAQ April 2003 did not deal with the complexities associated with periods of less than twelve months.

#### *Submission*

#### Start date for recording the PILs proxy entitlement and the amount

As noted above, the Board issued filing guidelines on December 21, 2001 to notify that distributors were to file applications to receive the second tranche of MARR and PILs in January 2002. This application process and timeline were well known to distributors.

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<sup>5</sup> Filing Guidelines for March 1, 2002 Distribution Rate Adjustments, December 21, 2001.

<sup>6</sup> RP-2002-0031/EB-2002-0040, Decision and Order, March 14, 2002, pages 3 and 5.

In interrogatory #10 (c) Board staff asked FFPC to explain inconsistencies between the data used for the PILs recovery calculations and data used in its 2006 EDR application. FFPC replied as follows: <sup>7</sup>

“If the inconsistency is between the annual totals by specific rate class, please note the revised Appendix B has been amended to correct the rate implementation date of May 1, 2002. FFPC did not implement the March 1, 2002 rate decision (RP-2002-0091, EB-2002-0040) until May 1, 2002.”

Board staff notes that FFPC’s amended recoveries shown in Appendix B begin at March 1, 2002 and not at May 1<sup>st</sup> as stated in its interrogatory response. The entitlement to PILs is also shown as starting on March 1<sup>st</sup>.

At question is whether the instructions in the APH and FAQs to begin recording the PILs proxy entitlements as at October 1, 2001 and January 1, 2002 should apply to FFPC. In its December 17, 2001 decision, the Board approved final unbundled rates to be effective March 1, 2002. The decision dated March 14, 2002, for the 2002 rate adjustment including PILs, ordered rates to be effective March 1<sup>st</sup> and expected prompt implementation. There was no issue of lost revenue to be recovered since the decision date was so close to the effective date. FFPC voluntarily chose to wait until May 1, 2002 to implement the rate order.

Since FFPC voluntarily chose to implement rates on May 1, 2002, Board staff submits that FFPC should pro-rate its PILs proxy entitlements in the same time period as it billed its customers for the changed rates as described in the following section.

The 2001 PILs proxy included in 2002 rates was \$10,583. The 2002 PILs proxy was \$19,956 and the combined total was \$30,539.<sup>8</sup> The period from May 1, 2002 through March 31, 2004 contains 23 billing months. The pro-rated PILs proxy for this 23-month period using the twelve-month total of \$30,539 is \$58,533.  $(\$30,539/12)*23$  During this same period, FFPC billed its customers and recovered \$60,475 of PILs.<sup>9</sup>

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<sup>7</sup> Response to Board Staff Interrogatories, February 21, 2012, page 9.

<sup>8</sup> 2002 Application PILs proxy models; and 2002 RAM sheets 6 and 8; filed on December 20, 2011.

<sup>9</sup> Fort Frances\_Appendix B\_FFPC\_2001-2012 Calculation of PILs Collected Approved Amounts-Revised\_20120221.xls

Board staff submits that the alternative proffered by staff of calculating the PILs proxy with effect from May 1, 2002 is equitable to the ratepayers and to the shareholder.

### Disposals of Fixed Assets

FFPC has recorded accounting gains and losses on fixed assets in its SIMPIL models in 2002, 2003 and 2005. An accounting loss on disposal is added back in the tax calculation and increases the recovery from ratepayers. An accounting gain is deducted. FFPC chose zero as the materiality limit in the SIMPIL models which results in all amounts truing up in the calculations. The table that follows shows the accounting gains and losses.

<b>Gains and Losses on Fixed Assets</b>	<b>2002</b>	<b>2003</b>	<b>2005</b>
Accounting loss	18,661		
Accounting gain		-1,675	-9,000

Under the PILs methodology, Board staff submits that these fixed asset transactions should not true-up to ratepayers and thus should appear on the TAXREC3 sheet of the SIMPIL model. Utilities received debt and equity returns on fixed assets included in rate base as well as depreciation recovery. If an asset is written down or disposed, the utility continues to receive a return until its next rate rebasing application. A write-down of assets is accelerated depreciation, and Board staff submits that this should not true-up to ratepayers under the established Board methodology.

Board staff submits that if FFPC corrects the fixed asset transactions to avoid true up to ratepayers, and begins the PILs proxy entitlement and collections from May 1, 2002, the revised credit amount to be refunded to customers of approximately \$31,882 that will result will have been calculated in accordance with the regulatory guidance and the decisions issued by the Board in determining the amounts in Account 1562 Deferred PILs.<sup>10</sup>

Board staff invites FFPC's comments in its reply submission on these proposals regarding fixed assets and the start date for the PILs proxy entitlements and recoveries.

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10 Decisions in Combined Proceeding, EB-2008-0381 – August 12, 2011; June 24, 2011; December 23, 2010; December 18, 2009. Hydro One Brampton, EB-2011-0174, December 22, 2011. Whitby Hydro, EB-2011-0206, December 22, 2011. Staff Discussion Paper, August 20, 2008.

Board staff requests that FFPC file live Excel models with its reply submission reflecting changes to its position, if any, to facilitate the final review of its evidence.

All of which is respectfully submitted