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March 24, 2008

The Honourable Howard I. Wetston, Q.C.
Chairman, Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Mr. Wetston:

**Re: Ontario Power Authority - 2008 Revenue Requirement Submission
EB-2007-0791**

We are writing to respond to the letter written to you on March 20, 2008 by Mr. David Poch regarding the Ontario Power Authority's 2008 Revenue Requirement Submission to the Ontario Energy Board. In his letter, Mr. Poch purported to raise with you an issue about the composition of the Board panel that has been assigned to review the OPA's Submission.

While we have the greatest respect for Mr. Poch, we submit that it is utterly inappropriate for him to write to you in the manner that he did at this juncture of the case. Mr. Poch asserts that "the question of the practical and jurisdictional scope of the Board's annual reviews of OPA's expenditures will likely be a live issue in this year's proceeding". In fact, one aspect of this issue was argued, on Issues Day, before the panel assigned to hear the OPA's 2008 Submission. No objection was raised at that time about the ability of the panel to hear and decide the issue about the scope of the Board's annual review and, in fact, the panel had no difficulty hearing and deciding the point of contention on Issues Day. Clearly, in raising this issue after the Settlement Conference has been completed and the case is proceeding to a hearing, Mr. Poch is "panel shopping".

If, notwithstanding the lack of any objection to the composition of the panel on Issues Day, Mr. Poch now seeks to raise such an objection, he should bring the issue before the panel assigned to hear the case. The OPA has a number of submissions that it would make in response to Mr. Poch's assertions and believes that those submissions should be made to the panel rather than by way of correspondence with you. After hearing all of the submissions, if the panel believes that it may have any difficulty hearing and deciding this case, then we have no doubt that the Board will be able to take appropriate action. It is not appropriate, we submit, for Mr. Poch to step outside of the process and seek some form of relief through correspondence with the Board Chairman during the course of a

proceeding, thereby undermining the position of the panel that has been properly charged with the responsibility of hearing the case.

Yours very truly,

AIRD & BERLIS LLP



Fred D. Cass

FDC/

c.c. Gia DeJulio
D. Poch
M. Millar
All EB-2007-0791 intervenors