

April 10, 2012

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Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Suite 2701  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms Walli:

**RE: East-West Tie Line Designation Proceeding - EB-2011-0140**

We are counsel to the Consumers Council of Canada ("Council").

The Council has intervened in the above-noted proceeding. On March 30, 2012, the Ontario Energy Board ("Board") issued its Decision on Intervention and Cost Award Eligibility. In that Decision the Board granted the Council intervenor status.

With respect to cost awards the Board stated:

The focus of this proceeding is on selecting the applicant which offers best value for ratepayers taking into account a number of criteria. In addition, at this stage in the regulatory process for the transmission line, the interests of ratepayers are largely the same regardless of the particular constituency.

For these reasons, the Board will grant cost eligibility to each ratepayer intervenor which attended the all-party conference on March 23, 2012, (up to a maximum of 12 hours in total for preparation and attendance) and the Board will grant cost eligibility for the remainder of the proceeding to two ratepayer representatives: one low volume and one high volume. The Board considers that intervenors in the low volume category are Consumers Council of Canada and Energy Probe Research Foundation.

The Board ordered that the Council and Energy Probe are to advise the Board as to which party should be eligible for a cost award, and, should no agreement be reached between the parties, that the Board will receive submissions from each party as to why that party should be the party deemed eligible for costs.

Earlier this week, the Council's consultant, Julie Girvan, contacted the case manager for Energy Probe Mr. David McIntosh, to discuss our respective client's interventions in this proceeding. Mr. McIntosh indicated that Energy Probe intended to proceed with its own intervention and was not interested in collaborating with the Council.

These are the submissions of the Council as to why it should be awarded costs in the matter.

As the Board has noted, the focus of this proceeding is on selecting the applicant which offers the best value for ratepayers taking into account a number of criteria. Although this proceeding has been initiated by the Board to designate the best transmitter to undertake the development work, those costs will ultimately be recovered from ratepayers, including residential ratepayers. The Council has an interest in ensuring the best choice is made and that the budgeted costs are reasonable. Although costs in excess of the budgeted amounts will be subject to a future prudence review, the initial costs will be considered in this proceeding.

The Council submits that it has the expertise and experience to effectively and efficiently represent the interests of residential consumers in this proceeding. The Council has been representing residential consumers in Board proceedings for many years and has consistently been awarded costs to participate in Board's processes. In particular, the Council has been an active participant in all of Hydro One Network's Transmission rates proceedings.

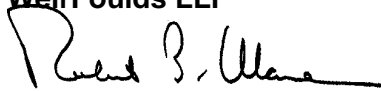
The interests of the various ratepayer groups that appear before the Board are often aligned, but at times they are not. Energy Probe and the Council do not always take the same positions. It is not clear, in the Council's view, to what extent Energy Probe represents the interests of small volume consumers.

The Council submits that legitimate ratepayer groups should be afforded an opportunity to participate in this proceeding. At the end of the day, the Board can assess the value of that participation and award costs accordingly. We see value in a broad range of groups participating in this process. To restrict the participation of the ratepayer groups when other stakeholders like Hydro One Networks, Great Lakes Power Transmission LP, the OPA, the IESO and the seven other non-ratepayer groups are funded to participate seems unfair, especially in light of the fact that ratepayers will ultimately pay the costs of these interventions.

The Council requests that it be permitted to participate in this proceeding and be eligible to claim its costs for participation. In the absence of a cost award the Council will be unable to participate. As it does in every other proceeding, the Council will endeavour to work with the other ratepayer groups in order to keep the costs reasonable.

Yours very truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "Robert B. Warren", written over the printed name.

Robert B. Warren

RBW/dh

cc: Energy Probe Research Foundation

cc: Julie Girvan

cc: Consumers Council of Canada

Attention: J. Huzar

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