

June 21, 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: EB-2012-0033/Enersource Hydro Mississauga ("Enersource")/  
Cost of Service Application**

We are counsel to the Consumers Council of Canada ("Council"), an intervenor in this matter.

The Ontario Energy Board's ("Board") Procedural Order No. 1 dated June 14, 2012, requested parties to provide submissions on the Draft Issues List and on the request by Enersource for confidential treatment of its *Report on Working Capital Requirement* (the "Report"), which was filed as Exhibit 2/T1/S4/Appendix 1 of the pre-filed evidence. These are the submissions of the Council on those matters.

Enersource has filed a cost of service application for 2013. In addition, Enersource has filed for approval of its 2014 rates using an approach that is not consistent with the 3rd Generation Incentive Regulation Mechanism ("3rdGIRM"). The Council submits that the Board should consider, as a threshold issue, whether the Application for both years should be considered by the Board. Unless the Board considers this issue now there is a danger that every LDC will come forward with its own methodology for setting rates beyond the cost of service years.

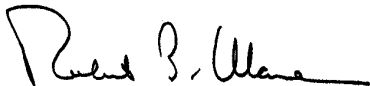
The Council submits that the Issues List as drafted is sufficiently broad and is acceptable. The Council has consistently taken the position that, at the beginning of the process, the issues list should be interpreted broadly. Once the interrogatory process has been completed there will be an opportunity to better scope the issues.

The Council has read the submissions of Enersource supporting its request to keep the Report confidential. Enersource claims that releasing the Report could compromise its future negotiations with third party service providers. The Council does not see why Enersource would be any different from other LDCs, and to date we are not aware of any similar confidentiality claims. The Council submits that as much information as possible should be on the public

record for regulated utilities in order to allow for a transparent regulatory process. We do not see how releasing the Report will have any bearing on Enersource's future negotiations and, accordingly, the Council submits that the Report should not be kept confidential.

Yours very truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "Robert B. Warren", written over a horizontal line.

Robert B. Warren

RBW/dh

cc: Gia M. DeJulio  
cc: George Vegh  
cc: Julie Girvan  
cc: All Parties

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