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BY EMAIL and RESS

July 25, 2012
Our File No. 20120033

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2012-0033 – Enersource 2013 Rates – Technical Conference

We are counsel for the School Energy Coalition. This letter is sent to request that the Board amend the schedule for this proceeding to delay the Technical Conference, currently scheduled for next Monday, July 30th.

The schedule in Procedural Order #1 requires the Applicant to file and deliver responses to interrogatories by Monday, July 23rd, and provides for a Technical Conference to answer questions on those responses on July 30th and 31st. This was already a tight schedule, but in the circumstances might have been achievable with a normal level of responses, and everything happening on time.

In this case, the Applicant filed 1574 pages of interrogatory responses on the evening of July 23, 2012. The volume is not because they went overboard in any way. Rather, it is because they have a complex Application that seeks to break new ground, and covers rates for two years. More complex issues sometimes require more questions, and more detailed answers.

Despite the fact that the PO requires the responses to be filed with the Board, and delivered to the parties, by 4:45 PM on the 23rd, they have not in fact been delivered to the intervenors at all. They were made available electronically to the intervenors through posting on the Applicant's website on the 24th, and the Applicant advises us that they are only today, two days later, printing hard copies for delivery to the parties. We will presumably receive them tomorrow.



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These delays do not appear to be because of any lack of effort on the part of the Applicant, but rather simply the understandable difficulty in handling this volume in a short time.

In our submission, given the volume of the responses, and the limited time available to review them, it is not physically possible for the intervenors to be ready for a Technical Conference on July 30, 2012. We therefore request that the Board amend its schedule to move the Technical Conference back a few days, either to August 3rd or August 7th.

We are conscious that the Undertakings from the Technical Conference are due on August 7th, and the ADR is scheduled to commence on August 8th. Under the circumstances, it would appear to us that those dates are not achievable, and would ask that they be rescheduled as well.

We are reluctant to request a delay in the schedule, especially given the very heavy regulatory agenda in September and October. On the other hand, the purpose of the Technical Conference is to get to the necessary information forming the foundation of the Application. When it works properly, it increases the opportunity to settle issues, thus reducing the number of issues that go to hearing, and further it reduces the amount of time the Board panel has to sit hearing evidence on each of the unsettled issues. In short, the Technical Conference enhances the efficiency of the process.

In our view, pushing this proceeding forward at this time, when it is clearly impossible to do a proper review, will likely cause material increases in the time involved in subsequent steps in the process. We thus believe the overall time spent on the proceeding will be reduced, and the likely end date will be sooner, if the Technical Conference is delayed. Further, the time commitment by the Board panel members will be reduced. These are precisely the results the Technical Conference is supposed to achieve.

All of which is respectfully submitted.

Yours very truly,

JAY SHEPHERD P. C.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties