



T.J. Moore Law
Professional Corporation

Sent by Email

September 18, 2012

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700,
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Orangeville Hydro Limited – Application for Service Area Amendment
Hydro One Networks Inc. Response to Board Staff Interrogatories No. 3(b)-(c)
Board File Number EB-2012-0181**

We are in receipt of Hydro One Networks Inc.'s ("HONI") responses to Board Staff interrogatories.

Despite the fact that Procedural Order No. 4 clearly states that HONI file "complete responses to Board staff interrogatories" on September 13th, HONI has indicated in that it will not file the economic evaluation requested by Board Staff – reflecting an average consumption of 700kWh and staggering customer connections over 5 years – until September 18th. HONI's reasoning for delaying its response to Board Staff's interrogatory no.3(b)-(c) is that the request "does not work with HONI's business model" and it is "a lengthy calculation that can be done manually but could not be completed for today's filing." OHL submits that this is further evidence of HONI's abuse of the hearing process as raised in previous correspondence to the Board. OHL's basis for this submission includes:

- HONI was aware of the Board Staff's request when it submitted its request on September 11th for an extension of the deadline to respond to Board Staff's interrogatories. HONI should have asked for an extension until September 18th at that time. OHL submits that, by asking for an extension until September 13th, and then unilaterally stating that it would not be responding to certain interrogatories until September 18th, HONI is showing contempt for the hearing process.
- The nature of the Board Staff's request should not be a surprise to HONI given the same request was made of them by Board Staff in EB-2011-0085. In that case, HONI was requested to resubmit its economic evaluation with revised average consumption and

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staggered customer connections over 5 years. HONI provided that revised economic evaluation without issue within a week.

- OHL submits that the economic evaluation changes requested by Board Staff will be favourable to OHL and, therefore, HONI is delaying providing that information until the day before Board Staff is required to submit its final submission. OHL is concerned that Board Staff will not have sufficient time to digest HONI's revised economic evaluation before having to make its submission.
- HONI added significant delay to the hearing process by bringing an unsuccessful Notice of Motion requesting that OHL submit revised economic evaluations with requested amendments. In light of HONI resorting to a Notice of Motion and causing the associated delay, OHL is troubled by HONI's refusal to provide Board Staff with a revised economic evaluation in a timely manner.

All of which is respectfully submitted.

Yours very truly,

T.J. MOORE LAW PROFESSIONAL CORPORATION

By: 
Tyler J. Moore, LL.B.

cc: Intervenor (by email)
Orangeville Hydro Limited (by email)