



The Energy Boutique

120 Adelaide Street West, Suite 2500
Toronto, ON M5H 1T1
Tel: (416) 644-1568
Email: ataylor@energyboutique.ca

October 5, 2012

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Re: EB-2011-0184

I am counsel to Newmarket-Tay Power Distribution Ltd. ("Newmarket"). On behalf of Newmarket, I am writing to request that an oral hearing be convened in this proceeding to specifically address Newmarket's Account 1562 balance.

As set out in Newmarket's response to Board staff's interrogatory 16(b), it has become apparent to Newmarket that an error was made in regard to its 2002 Decision and Order (RP-2002-0080/EB-2002-0089) (the "2002 Decision"). In the 2002 Decision, the Board decided to reduce Newmarket's PILs proxy by \$347,920, and ordered that the Board-prepared rates set out in the rate schedule attached at Appendix "A" to the 2002 Decision and Order were approved effective March 1, 2002. However, those rates erroneously did not factor in the \$347,920 reduction to the PILs proxy as decided by the Board.

This circumstance is significant because:

- i) the Board prepared the Schedule of Rates and Charges at Appendix "A" to the Decision and Order - not Newmarket; and
- ii) until receiving this interrogatory, Newmarket was unaware that the Board's 2002 Order contained this mistake.

Newmarket would like to work with the Board in resolving this unusual and somewhat complicated issue. While Newmarket does not intend to take the position that it is entitled to the erroneous principal amounts it recovered, it does believe that the circumstances warrant further consideration of what period and at what rate interest should be recorded in Account 1562. Because the issue of the appropriate quantum of interest recorded in Account 1562 will require further evidence to be placed on the record, Newmarket is requesting an oral hearing as the method to introduce this further evidence. As well, since this issue is somewhat complicated and involves historic documentation, the Board may wish to ask direct questions to Newmarket's witness panel.

In the event that the Board denies Newmarket's request for an oral hearing, Newmarket requests that, in light of the circumstances, it be given an opportunity to provide further written evidence regarding the appropriate interest to be included in its Account 1562.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Taylor", with a stylized, cursive script.

Andrew Taylor