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BY EMAIL and RESS

November 5, 2012

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2012-0031 – Hydro One Transmission – CEA Letter

We are counsel to the School Energy Coalition (“SEC”). We are in receipt of correspondence from the Canadian Electricity Association (“CEA”) urging the Board’s to set aside its Order dated October 23rd requiring production, on a confidential basis, of the COPE Report.

SEC urges the Board not to set aside but, instead, to vary the Order, as consented to by SEC and Hydro One. SEC consented to varying the Order to relieve Hydro One of the obligation to produce the COPE Report for the reasons set out in Hydro One’s letter to the Board dated November 2nd. Production is no longer required in light of (1) the Settlement Agreement reached by Hydro and the intervenors, and (2) Hydro One’s agreement to update the record removing all evidence referencing the COPE Report.

SEC submits that the basis of the October 23rd Order is still valid. By setting aside instead of varying the Order, the Board would essentially be ruling on a CEA review or appeal. Since the Order was entirely consistent with Board policy and practice, this would amount to a significant change without consideration of the merits.

Yours very truly,
Jay Shepherd P.C.

Original signed by

Mark Rubenstein

cc: Applicant and Intervenors (by email)

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