

January 17, 2013

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli

Board Secretary

Ontario Energy Board

P.O. Box 2319

2300 Yonge Street, Suite 2700

Toronto, Ontario M4P 1E4

Fax: (416) 440-7656

Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Environmental Defence – Oral Hearing and Other Matters
EB-2012-0064 – Toronto Hydro 2012-2014 Rates**

We are writing on behalf of Environmental Defence to respond to the correspondence from Toronto Hydro-Electric System Limited (“THESL”) dated January 14, 2013, and to request that an oral hearing be held in this matter in accordance with the normal Ontario Energy Board (“OEB”) timelines and procedures.

Request for Oral Hearing

Environmental Defence wishes to test the evidence submitted by THESL, including through the cross-examination of THESL’s witnesses. Environmental Defence’s case cannot be made without this fundamental procedural right. Environmental Defence therefore asks that an oral hearing be held in this matter.

Anticipated OPA Witness and Expected Time Necessary

We believe that THESL’s estimate of two days for the entire hearing on this matter (including all cross-examinations and argument from all parties) is overly optimistic. Environmental Defence will require a significant amount of time for cross-examinations. Although we believe that more than two days will be required, we are unable provide a precise estimate without knowing which intervenors intend to take an active role and the time required for THESL to present its evidence.

For scheduling purposes, we would like to advise the Board that Environmental Defence wishes to call a witness from the Ontario Power Authority (“OPA”) to answer questions regarding:

- (1) The conservation and demand management (“CDM”) and distributed generation (“DG”) opportunities that could be funded by the OPA in downtown Toronto in the future; and
- (2) The OPA’s forthcoming Toronto Regional Plan.

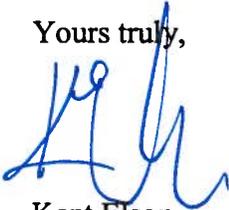
The relevance and importance of this evidence is outlined in the enclosed letter to the OPA.

Scheduling of Hearing Dates

We request that this hearing proceed at an orderly pace and in accordance with typical Board timelines. As I am available from February 4th onwards, and Mr. Bach (the expert for Environmental Defence) is available from February 14th onwards, we request that the hearing commence sometime after February 14, 2013.

Please do not hesitate to contact me if anything further is required.

Yours truly,



Kent Elson

cc: Applicant and Intervenors

January 17, 2013

BY EMAIL AND FAX

Michael Lyle

General Counsel and Vice President, Legal, Aboriginal and Regulatory Affairs

Ontario Power Authority

Suite 1600, 120 Adelaide Street West

Toronto, Ontario M5H 1T1

michael.lyle@powerauthority.on.ca

Fax: 416 969-6383

Dear Mr. Lyle:

**Re: Request Relating to Ontario Energy Board Matter
EB-2012-0064 – Toronto Hydro 2012-2014 Rates**

I am writing on behalf of Environmental Defence, an intervenor in the above Ontario Energy Board (“Board”) matter, to request that the Ontario Power Authority (“OPA”) make a senior executive or manager available to attend as a witness in the above hearing to answer questions regarding:

- (1) The conservation and demand management (“CDM”) and distributed generation (“DG”) opportunities that could be funded by the OPA in downtown Toronto in the future; and
- (2) The OPA’s forthcoming Toronto Regional Plan.

Environmental Defence believes the OPA’s participation in this hearing would greatly assist the Board in deciding whether Toronto Hydro-Electric System Ltd. (“THESL”) has sufficiently justified its proposed Bremner Transformer Station Project (the “Bremner Project”), particularly in comparison with the alternatives of CDM and DG. There is significant evidence to suggest that the Bremner Project could be avoided or significantly delayed through CDM and DG, saving many millions of ratepayer dollars, and improving Toronto’s local security of supply. An OPA witness could potentially assist the Board by providing a better picture of the potential for OPA-funded CDM and DG in downtown Toronto.

Furthermore, the Board likely would also benefit from further information relating to the forthcoming Toronto Regional Plan. According to the OPA’s submissions on the Renewed Regulatory Framework for Electricity (“RRFE”), its regional plans will “consider and integrate all feasible options to meet local electricity needs, including conservation, generation, transmission and distribution options.”¹ In its RRFE Report, the Board directed utilities to follow an integrated approach and ensure that investment proposals are consistent with regional

¹ OPA, *The OPA’s Regional Planning Process*, February 2012

planning.² In light of these directions, we believe it would assist the Board to hear from an OPA witness on these regional planning issues, particularly in relation to conservation and generation options vis-à-vis the Bremner Project.

For example, Colin Andersen, CEO of the OPA, recently stated in a public presentation to the Toronto Board of Trade that he would “like to see more supply in the downtown Toronto area.”³ If the OPA is indeed moving in that direction in terms of regional planning, the Bremner Project is potentially a highly expensive and unjustified undertaking.

I would very much appreciate the opportunity to discuss this further with the appropriate person at the OPA. I can be reached at 416 598-0288 ext.106 or by email at kent.elson@klippensteins.ca. Thank you in advance for your assistance with this matter.

Yours truly,



Kent Elson

cc: Jack Gibbons, Consultant for Environmental Defence

Applicant, Board Secretary, Board Staff, and Intervenors in EB-2012-0064

² Ontario Energy Board, *Report of the Board Renewed Regulatory Framework for Electricity Distributors: A Performance-Based Approach*, October 18, 2012 39-40

³ *Powering Toronto's Electricity Future*, Remarks by Colin Andersen, CEO, Ontario Power Authority, to the Toronto Board of Trade, October 25, 2012 <<http://www.powerauthority.on.ca/sites/default/files/news/Andersen-Board-of-TradeOct-25-2012.pdf>.