

FROM THE OFFICE OF David Crocker
DIRECT LINE 416.941.5415
DIRECT FAX 416.777.7431
E-MAIL dcrocker@davis.ca

FILE NUMBER 75024-00022

January 22, 2013

DELIVERED BY E-MAIL

Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

**Re: Hydro One Transmission 2013/2014 Revenue Requirement and Rates
Board File No.: EB-2012-0031**

Pursuant to Procedural Order No. 8, please find the submissions of AMPCO with respect to the process for the oral hearing of the concurrent expert witness panel.

Yours truly,

DAVIS LLP

Per:



David Crocker
DDC/szp

Encls...

cc: All Intervenors

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B (the "Act");

AND IN THE MATTER OF a review of an application filed
by Hydro One Networks Inc. for an order or orders
approving a transmission revenue requirement and rates
and other charges for the transmission of electricity for
2013 and 2014.

SUBMISSIONS OF THE ASSOCIATION OF MAJOR POWER CONSUMERS IN
ONTARIO ("AMPCO") WITH RESPECT TO THE PROCEDURE FOR THE ORAL
HEARING OF THE CONCURRENT EXPERT WITNESS PANEL

JANUARY 22, 2013

DAVIS LLP

1 First Canadian Place
Suite 6000
P.O. Box 367
100 King Street West
Toronto, Ontario
M5X 1E2

Mr. David Crocker

Tel: 416-941-5415

Email: dcrocker@davis.ca

Counsel to AMPCO

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B (the "Act");

AND IN THE MATTER OF a review of an application filed
by Hydro One Networks Inc. for an order or orders
approving a transmission revenue requirement and rates
and other charges for the transmission of electricity for
2013 and 2014.

1. In Procedural Order No. 8 dated November 15, 2012, the Ontario Energy Board (the "Board") invited parties to file submissions with respect to the process for the oral hearing of the current expert witness panel. These are the submissions of AMPCO pursuant thereto.
2. In forming these submissions, AMPCO has made note of the position taken by the parties in EB-2011-0354 and the material relied on by those parties in forming those opinions.
3. AMPCO will address the following issues in making this submission:
 - (a) Should the joint written statement of the experts (the "Joint Written Statement") be treated as evidence or simply commentary on the pre-filed evidence of each?
 - (b) What procedure should be followed on the presentation of the Joint Written Statement?
 - Should there be examination-in-chief?
 - Should there be a cross-examination?
 - What is the role of Board Staff?
 - What is the role of Counsel for the parties who retained the experts?
 - Should there be re-examination of the experts?
4. AMPCO's position with respect to these issues is as follows:

- (a) Should the joint written statement of the experts (the Joint Written Statement") be treated as evidence or simply commentary on the pre-filed evidence of each?

AMPCO believes that the Joint Written Statement may be helpful in terms of identifying where the experts agree and disagree and, to a lesser extent, explaining why. In that context, AMPCO believes that the parties should have an opportunity to cross-examine these experts on both the Joint Written Statement and their pre-filed evidence seen in the context of the Joint Written Statement.

The experts' Conference and the Joint Written Statement which reflects it, should not be seen to narrow the relevant issues on which the parties can cross-examine. In that sense, AMPCO believes that the Joint Written Statement should be treated as commentary which may be helpful to the parties in focusing cross-examination on the pre-filed evidence of the experts and on the commentary represented by the Joint Written Statement.

- (b) What procedure should be followed on the presentation of the Joint Written Statement?

AMPCO suggests that counsel for the IESO, APPrO and Hydro Quebec should examine-in-chief the expert each retained separately. Such examination should deal both with the Joint Written Statement and the pre-filed evidence of their expert, at the discretion of counsel.

That examination-in-chief might be followed by questions from the Board panel. This order of proceeding appears to have become the preferred method of proceeding where joint panels of experts are concerned. The Board can direct its questions to whichever expert it feels appropriate and the others should be able to respond as well.

Board staff might then follow and cross-examine. Once again, this seems to be the accepted order of proceeding when dealing with a joint panel of experts.

Counsel for the IESO, APPrO and Hydro Quebec should then have an opportunity to cross-examine the two experts on the panel who they did not retain.

All of the other parties should then have an opportunity to cross-examine.

There should be no opportunity provided one expert to question another.

There should be no re-examination save for any questions the Board might have following all of the other cross-examinations.

This is the position AMPCO takes in response to Procedural Order No. 8.