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### **BY EMAIL and RESS**

January 22, 2013

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario, M4P 1E4

### **Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

### **Re: EB-2012-0031– HONI Transmission ETS Hearing – Concurrent Expert Panel**

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No.8, these are SEC’s submissions with respect to the procedure for the oral hearing of the evidence of the concurrent expert witness panel ordered pursuant to Rule 13A.

As a preliminary matter, SEC supports the request of APPrO in its letter dated January 16<sup>th</sup> to adjourn the oral hearing till at least February. In addition to the reasons for adjournment set out in APPrO’s letter, the undersigned is unavailable on January 29<sup>th</sup>, albeit for the same reason previously requested by IESO in its November 22<sup>nd</sup> letter and rejected by the Board in Procedural Order No.9.

Since the Board has decided that the current ETS rate is final and that it may only change prospectively, there is now no urgent need for the issue to be determined and a delay can be more easily accommodated.

### ***Concurrent Expert Witness Panel***

SEC believes that the Board’s concurrent expert witness panel procedure set out in the in EB-2011-0354 should be adopted for this proceeding with one modification. The Board should not allow the experts the opportunity to question each other. It is our experience from the EB-2011-0354 proceeding that the questioning of the experts by each other turns into an unhelpful cross-examination by another name. Through the Board’s own questions and cross-examination by all parties, the benefits of the direct engagement between experts will still occur.

APPrO has recommended that in addition to the concurrent expert witness panel, its expert (Mr. Hamal from Navigant) and the IESO expert (Mr. Shavel from CRA) should also sit separately on

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an APPrO and IESO panel. SEC submits that this is inappropriate. The experts should only provide oral evidence once. Most of the benefits of the concurrent expert witness panel will be lost if the experts are questioned a second time individually.

**Jay Shepherd P.C.**

*Original signed by*

Mark Rubenstein

cc: Applicant and all Intervenors (by email)