



August 2, 2013

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

via electronic mail

Dear Ms. Walli:

**Re: Comments of Coalition of Large Distributors regarding Submission of School Energy Coalition
Board File No. EB-2010-0379**

The Coalition of Large Distributors ("CLD"), which comprises Enersource Hydro Mississauga Inc., Horizon Utilities Corporation, Hydro Ottawa Limited, PowerStream Inc., Toronto Hydro-Electric System Limited and Veridian Connections Inc., writes to the Ontario Energy Board (the "OEB") in respect of the submissions of School Energy Coalition ("SEC") dated June 27, 2013 in EB-2010-0379.

We recognize that further reply submissions were not contemplated by the OEB in its procedural guidance in this case. It is our view that this unusual step is necessary because the submissions made by SEC fall below the requisite standard of discourse, professionalism and courtesy at the OEB.

In its submissions, SEC made a number of allegations and assertions in respect of the work of Power System Engineering ("PSE") and in particular, its representative in this matter, Mr. Fenrick. As illustrated by the following excerpt from SEC's submissions, SEC seems to take issue with the intellectual and/or professional qualifications of Mr. Fenrick, as well as the intellectual integrity of anyone who might agree with his assessment:

"4.2.7 Mr. Fenrick's proposal was to run the TFP calculation 73 times, each time excluding one utility, so that a "range" of TFP values would be created. The theory was that this would be a true "external" measure. His range was -0.56% to -1.18%, and he used this as a basis to justify the TFP figure including Toronto Hydro and Hydro One, i.e. - 1.10%.

4.2.8 It is difficult to be polite in responding to this proposal, which appears to be only persuasive if one is suffering from the learning disability of innumeracy."
(emphasis added)

While parties may have widely diverse views on matters before the OEB, the CLD respectfully submits that for parties to resort to *ad hominem* attacks and characterizations of the intellect of experts, and anyone who may agree with them, is inappropriate.

Setting to one side the substance of the attack, the CLD notes that at no time during the stakeholder conference - which SEC attended in person - did any representative of SEC or any other participant question the qualifications of PSE or Mr. Fenrick in being able to provide the analysis and opinion as presented in this matter. SEC chose instead to make these accusations for the first time in written submissions: after-the-fact, when no defense could be mounted and when those assertions could not be tested.

Moreover, both PSE's and Mr. Fenrick's expertise and qualifications are readily demonstrable. For example, Mr. Fenrick has:

- testified as an expert witness on benchmarking and productivity issues in the United States;
- been recognized as an expert before the OEB in a prior proceeding (EB-2012-0064);
- been engaged by OEB staff in conducting the 3GIRM stretch factor updates for the last three update years;
- co-authored articles in the *Electricity Journal*, *Utilities Policy*, *Applied Economics Letters*, *Natural Gas & Electricity*, *Dialogue*, and the *Energy Journal* (upcoming); and
- led conferences around North America (located previously in Denver, Toronto, St. Louis, and Chicago) on benchmarking and productivity analysis for electric and gas distributors, and is the lead instructor at an upcoming conference in August on utility benchmarking which can be found at the following link: <http://www.euci.com/pdf/0813-benchmarking.pdf>.

The CLD trusts that the OEB will consider this submission in the appropriate manner. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

[original signed by Amanda Klein on behalf of CLD]

Amanda Klein

Director, Rates and Regulatory Affairs
Toronto Hydro-Electric System Limited

cc: Jay Sheppard, Counsel for School Energy Coalition, via electronic mail to jay.shepherd@canadianenergylawyers.com
Wayne McNally, SEC Coordinator, Ontario Public School Boards' Association, via electronic mail to wmcnally@opsba.org

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