



## **Jay Shepherd**

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### **BY EMAIL and RESS**

August 29, 2013  
Our File No. 20130196

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-2013-0187/196/198 – Hydro One Norfolk MAADs**

We are counsel for the School Energy Coalition. We have reviewed the reply submissions of Hydro One and Norfolk on confidentiality, and wish to draw to the Board's attention an issue that arises with those submissions.

The Applicants apparently seek to use the discussion of confidentiality and relevance as a forum to seek a ruling on the scope of the "no harm" test. SEC believes that its issues of concern in this matter relate directly to the "no harm" test. However, in our submissions on confidentiality we have tried to keep our focus within the narrower context of confidentiality, and we have expressly not made submissions on how the "no harm" test should be interpreted in relation to this proposed MAADs transaction.

If the Board would find submissions on the scope of the "no harm" test to be of assistance at this stage in the proceeding, we would ask for the opportunity to provide those submissions at a time convenient to the Board.



*Jay Shepherd Professional Corporation*

All of which is respectfully submitted.

Yours very truly,

**JAY SHEPHERD P. C.**

Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties