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VIA RESS, EMAIL AND COURIER

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

Dear Ms. Walli:

**RE: Applications by Hydro One Inc., Norfolk Power Distribution Inc. and Hydro One Networks Inc.
EB-2013-0196, EB-2013-0187 and EB-2013-0198**

We are counsel to Hydro One Inc. and Hydro One Networks Inc. (“**Hydro One**”) in the above-noted proceeding. This letter is in response to a letter filed by the School Energy Coalition (“**SEC**”) on August 29, 2013 (the “**SEC Letter**”), which requests that the Board allow parties to make additional submissions because SEC has not made submissions on relevance and the “no harm” test, and would like the opportunity to do so.

Procedural Order No. 2 (“**PO No. 2**”) clearly set out that parties could make submissions on confidentiality and/or relevance.¹ A determination on relevance inevitably requires consideration of the issues before the Board. This proceeding is a MAAD proceeding under s. 86 of the *Ontario Energy Board Act, 1998*, and therefore the Board applies the “no harm” test. No party in this proceeding has disputed this.

Consequently, there can be no new question arising which would require additional submissions. Hydro One and Norfolk Power Distribution Inc. have made reply submissions as provided for in PO No. 2. Hydro One’s reply submissions focused on relevance, and highlighted the importance of not losing sight of the issues in the proceeding, as set out under the “no harm” test, in determining relevance.

SEC had an opportunity to make submissions on relevance when it made submissions on confidentiality. Indeed, SEC admits that it made submissions on confidentiality and not on

¹ Items 3 and 4 of PO No. 2 read as follows (emphasis added):

3. In the event the Board decides to allow qualified parties access to the Confidential Version of the Attachment, qualified parties approved by the Board to receive the Confidential Version of the Attachment or Board staff wishing to file a submission on the Applicants’ claims for confidentiality and/or relevance shall file such submission with the Board and serve it on the Applicants on or before August 14, 2013.

4. If the Applicants wish to file a submission responding to submissions on the Applicants’ claims for confidentiality and/or relevance, they shall file such reply submission with the Board and serve it on all intervenors on or before August 21, 2013.

relevance, stating in the SEC Letter that “in our submissions on confidentiality we have tried to keep our focus within the narrower context of confidentiality.”

In sum, Hydro One sees no reason for the Board to allow such a request at this time, and submits that to do so would be to permit SEC to make submissions on relevance when it has already had a full opportunity to make such submissions.

Yours truly,

McCarthy Tétrault LLP

Signed in the original

Gordon M. Nettleton

GMN/ha