

# AIRD & BERLIS LLP

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November 18, 2013

BY EMAIL AND COURIER

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Intervention by Essex Powerlines Corporation, Bluewater Power Distribution Corporation, and Niagara-on-the-Lake Hydro ("EBN") in an Application by Hydro One Inc. EB-2013-0196  
Application by Norfolk Power Inc. EB-2013-0187  
Application by Hydro One Networks Inc. EB-2013-0198 ("Applications")**

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We are counsel to the above named Intervenors.

Procedural Order Number 6 dated November 6, 2013 provides that Board Staff and Intervenors may indicate whether, as a result of the recent amendments to the Applications (the "Amended Applications"), provision for a further round of interrogatories is necessary. EBN submits that a further round of interrogatories is required. There are a number of reasons which support this submission including:

- The relief sought by the Applicants is not the same as initially filed. The interrogatories which were earlier asked were based upon the Applications as originally filed. Many of these interrogatories need to be rephrased/rewritten and/or directed at the new appropriate Applicant;
- Given the changes to the Applications, there are specific areas which were not canvassed in the original round of interrogatories based upon the relief sought as at that time. The amended Applications refer to a number of actions and the segregation of business unit activities which were not contemplated in the original Applications. Accordingly, questions which relate to the specifics of what the Applicants are now seeking were not asked earlier;
- The Amended Applications have added a further degree of uncertainty as to what are the Applicant's plans in respect of any future harmonization of rates and the impact on Norfolk's ratepayers. Questions about the Applicant's current plans are required.

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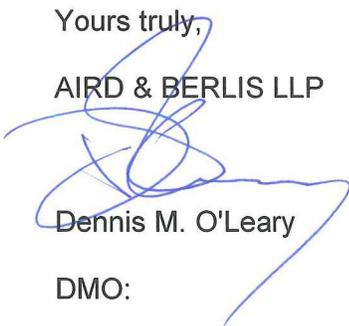
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In short, the Amended Applications are in a material and substantive way different than the original Applications. The amendments are of such a nature that if a further round of interrogatories is not permitted, EBN submits that the Applicants will have effectively avoided any meaningful examination of the Amended Applications through the mechanism of amending an application in a response to a Board Staff interrogatory.

EBN further submits that a further round of interrogatories should be permitted prior to SEC's motion to compel responses so that the interrogatories which are the subject of the motion can be rephrased to address the current Applications and are directed to the right Applicant. Further, there may be additional refusals from the next round of interrogatories which should be added to the motion. It would be more efficient to deal with all questions refused on one occasion.

Yours truly,

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