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BY EMAIL and RESS

February 22, 2014
Our File: EB20130174

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2013-0174 – Veridian 2014 – SEC Rule 29.03 Motion [PUBLIC VERSION]

We are counsel to the School Energy Coalition (“SEC”). On September 19th, SEC filed a Notice of Motion with the Board for an order requiring Veridian Connections Inc. (“Veridian”) to provide full and adequate responses to Interrogatories 2.1-SEC-2 and 4.2-SEC-11, by producing certain information. Veridian had refused to provide the information based on the terms of an agreement it has with a third-party.

On January 20th, counsel to Veridian filed a letter with the Board that which states:

Veridian will file the information that is the subject of the SEC's Notice of Motion (the “Information”) on a confidential basis tomorrow while at the Board for the technical conference.

In order to facilitate tomorrow's technical conference, Veridian will provide copies of the Information to those intervenors who bring signed Declarations and Undertakings.

Counsel for SEC signed the Declaration and Undertaking and was provided a copy of certain information which it had sought in its Notice of Motion. As a result, SEC withdraws its request for relief in regards to Interrogatory 4.2-SEC-11 as it the information has now been provided.

With regards to Interrogatory 2.1-SEC-2, SEC still seeks a Board order requiring production of the entire information requested. Veridian has not provided all the information sought in response to the interrogatory.

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SEC had requested copies of all performance efficiency benchmarking undertaken by Veridian. At the beginning of the Technical Conference, SEC was provided with [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The information is important to determining Issue 2.1 and more broadly determining “just and reasonable rates”. As discussed in detail in its Notice of Motion, a confidentiality agreement between a utility and a third-party is not a valid reason for non-disclosure of relevant information.

All of which is respectfully submitted.

Yours very truly,
Jay Shepherd P.C.

Original signed by

Mark Rubenstein

cc: Wayne McNally, SEC (by email)
Applicant and Intervenors (by email)

[REDACTED]